




Speech By
James Lister

MEMBER FOR SOUTHERN DOWNS

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**POLICE AND OTHER LEGISLATION (IDENTITY AND BIOMETRIC CAPABILITY)
AMENDMENT BILL**

 **Mr LISTER** (Southern Downs—LNP) (12.33 pm): As deputy chair of this parliament's Legal Affairs and Community Safety Committee, I rise to speak in the debate on the Police and Other Legislation (Identity and Biometric Capability) Amendment Bill 2018. This is my first speech in the parliament after my maiden speech. I take this opportunity to acknowledge the other members of the committee, including the chairman and my honourable friend the member Toohey. I thank them for the convivial atmosphere we have on our committee.

This bill has three effects: firstly, it provides for Queensland's participation in and use of the new national facial biometric-matching capability system; secondly, it seeks to amend the Criminal Code to address limitations in its treatment of homemade explosives; lastly, it provides for a limited extension of liquor trading hours for Gold Coast venues at the time of the 2018 Commonwealth Games. The LNP supports the first and second of those elements, but we have reservations about the third inasmuch as it unduly constrains the staff and small businesses of the liquor and hospitality industry on the Gold Coast from obtaining full benefit from the 2018 Commonwealth Games.

The national facial biometric capability system, which this bill facilitates Queensland's participation in, aims to enable the collection, use and disclosure of facial images and identity information for security and law enforcement purposes. Underpinning this capability would be a nationally available image matching service for the sharing and matching of biometric templates. Those templates are derived from images and biometric data shared between participating state and federal agencies, that is, driver's licence photographs from the state agencies, and passport photos and biometric data from the federal government.

This service will enable three lines of inquiry: firstly, facial verification, which is a one-to-one image matching service to identify that someone really is who they say they are; secondly, face identification for use only by law enforcement agencies for identifying an unknown person from their image; and, thirdly, the reduction of unlawful multiple driver's licence holdings across Australian jurisdictions. I believe these are worthy and necessary ends with positive implications for the safety, security and good order of the community as a whole.

There were understandable community concerns about the very short time frame for the consideration of the bill and about privacy and judicial and parliamentary oversight of the capability's use. As part of the committee, I carefully considered community and peak body submissions concerning these matters. I believe that the urgency of this part of the bill is genuine, but only insofar as it relates to adopting this capability. I will talk more about my reservations at the end of my speech.

Along with the other states and territories, Queensland signed the intergovernmental agreement to establish this capability only in October last year. I agree with the desire of the Queensland Police Commissioner to have the capability available in time to assist in policing and security operations associated with the 2018 Commonwealth Games next month. In respect of community concerns about

privacy and oversight, I accept that on balance the existing state and federal safeguards and accountabilities described by the minister, together with those still to be developed, will be sufficient. In my view, the balance of public interest justifies the adoption of this capability. This is particularly so when regard is had to the counterbalancing advantages of having this capability available now, in time for the Commonwealth Games. After all, we wish to aid our security and law enforcement agencies in the prevention and detection of crime and the apprehension of offenders.

Nevertheless, the Legal Affairs and Community Safety Committee has recognised the need to provide the community with certainty that this capability will be used only in accordance with its stated aims and to ensure that all impacts of the bill will be reviewed once all necessary safeguards are developed. Accordingly, we recommended a review of the legislation be undertaken two years after taking effect. I thank the government for agreeing to this.

The second intent of the bill is aimed at the Criminal Code with respect to the making, storage and use of explosives, including highly volatile homemade explosives. Those offences constitute a considerable risk to public safety. The bill amends the Criminal Code offence provisions dealing with explosives offences under section 470A, unlawful deposition of explosive or noxious substances, and section 540, preparation to commit crimes with dangerous things. This is in order that the definitions and penalties for those offences better reflect the danger posed by highly volatile homemade explosives.

Section 470A of the act makes it an offence to wilfully and unlawfully throw, leave down or otherwise deposit any explosive or noxious substance in any place whatsoever under circumstances where it may cause injury to a person or damage to the property of a person. Section 540 makes it an offence to make or knowingly possess an explosive substance with intent to commit a crime by using it or enabling its use by another person. For offences against these sections of the Criminal Code, the maximum penalty would rise from two and three years respectively to seven years. The LNP supports this effect of the bill.

The final intent of the bill is to provide for the temporary extension of liquor trading hours for the 2018 Gold Coast Commonwealth Games. It is with this part of the bill that the LNP has reservations, which were shared by all non-government members of the committee. Whilst the government ostensibly understands the need to expand liquor trading hours to cater for the multitude of visitors to the Commonwealth Games, its bill is very disappointing. It does not go nearly far enough to promote and support our liquor and hospitality industry in Queensland. We are talking about small businesses. It does not provide the opportunity for our international and interstate visitors to the games to enjoy themselves to the full.

The bill only provides for a one-hour extension of trading hours for those outlets located within the Broadbeach and Surfers Paradise safe night precincts. Given that the Commonwealth Games is expected to be attended by more than half a million visitors, this limitation is a significant lost opportunity—a lost opportunity for Queensland small businesses and those operators and families who depend upon them, and a lost opportunity for guests to enjoy themselves.

The Queensland Hotels Association in its submission and in its appearance before the committee made it clear that extending trading hours should not apply just in the Surfers Paradise and Broadbeach safe night precincts, but throughout the entire Gold Coast local government area and the other areas where there are Commonwealth Games events. The government has not listened to this very sensible advice. We can only wonder why. The minister and the Deputy Premier, only this morning, waxed lyrical about the importance of the Commonwealth Games as a way to showcase Queensland and provide economic benefits for the community. To our visitors and to the small businesses that will miss out on the chance to fully benefit from the Commonwealth Games, this rapturous talk is just that—just talk.

The problem with the bill is that the government has not listened to the needs of business and it has a disorganised legislative program. The liquor trading hours aspect of this bill ought to have been introduced into the House last year. The Commonwealth Games has been on the radar for years, but the parliament has had only two or three weeks to consider this matter. Industry stakeholders too have been blindsided by the extraordinarily tight time frame available to make submissions and mobilise their members to demand a better deal. This is not good enough and it is why the non-government members of the committee included a statement of reservation in the committee's report.

I note the contribution to this debate last night by my honourable friend the member for Toowoomba North and also the contribution by the member for Broadwater who spoke just before me. They pointed out that this bill will only result in extended trading hours for a handful of businesses and a handful of outlets around the Gold Coast. It will be absolutely insufficient to cater for the increased demand that we expect to see as a result of the influx of people from the Commonwealth Games.

I agree with the member for Toowoomba North when he postulated that this may do more harm than good. We hear the government talking about the need to protect the community and restrict alcohol trading hours, but I wonder whether the issues are properly understood when making that judgement. The member for Toowoomba North said last night that perhaps it will cause more problems because we will have tens of thousands of people who want to go out for a drink or a bite to eat after the games but will be denied that opportunity because there will simply not be enough venues open.

I suspect the government's hand-wringing about this is more a fig leaf to cover up for the fact that it was rushed and that there was not proper consultation. I certainly believe that it is common sense that if we massively increase the number of patrons there must be a corresponding increase in the services available for them to use. I really do think that the government ought to yield to the industry's sensible suggestions and amend this bill accordingly. With these reservations, I support the bill.