



Speech By  
**Hon. Mark Ryan**


**MEMBER FOR MORAYFIELD**

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

### **Second Reading**

 **Hon. MT RYAN** (Morayfield—ALP) (Minister for Police and Minister for Corrective Services) (6.20 pm): I move—

That the bill be now read a second time.

The Police and Other Legislation (Identity and Biometric Capability) Amendment Bill 2018 addresses three important legislative priorities for the Palaszczuk government. First, the bill provides a legislative framework to facilitate Queensland's participation in the identity-matching services made possible under the national facial biometric-matching capability. Secondly, the bill overcomes current limitations in the Criminal Code in adequately addressing the threat of homemade explosives. Lastly, the bill provides for extended liquor trading arrangements for the 2018 Gold Coast Commonwealth Games.

The Legal Affairs and Community Safety Committee has examined the Police and Other Legislation (Identity and Biometric Capability) Amendment Bill 2018. I take this opportunity to table a copy of the government's response to the report.

*Tabled paper:* Legal Affairs and Community Safety Committee, Report No. 1, 56th Parliament—Police and Other Legislation (Identity and Biometric Capability) Amendment Bill, government response [261](#).

The committee makes the recommendation that the bill be passed, for which I thank the committee. The committee also makes a recommendation that the amendments in this bill that relate to the creation of a statutory framework to support Queensland's participation in the identity-matching services should be reviewed after two years. The government agrees with this recommendation. Given that identity-matching services is a complex national project, it is entirely appropriate that its operation should be reviewed to assess the continuing effectiveness of the capability and the legislative provisions that support it. For that reason, I accept that such a review should occur in accordance with the committee's recommendation.

I also note that the committee's comments suggesting oversight of the use of identity-matching services data and that the Public Interest Monitor would be a suitable statutory officer to undertake such oversight. However, the committee may be assured that there is already significant oversight of the identity-matching services data through the intergovernmental agreement that all jurisdictions have signed up to. Under the agreement, the Ministerial Council for Police and Emergency Management will exercise ministerial oversight of the IMS. The National Identity Security Coordination Group will support the ministerial council in its oversight role. The Identity Security Coordination Group includes representatives from the Commonwealth Attorney-General's Department, all first ministers' departments and will also include the Office of the Australian Information Commissioner as an observer.

Oversight of the identity-matching services is further strengthened by legally binding participation agreements for each participating agency that will detail the terms and conditions that apply to the use of the IMS. Detailed data access policies will also be required for participating entities such as the Department of Transport and Main Roads and the Queensland Police Service. I take this opportunity to thank the committee, and the committee secretariat staff who supported them, for their hard work under such tight time frames and for their bipartisan and constructive approach to this bill. The bill delivers on the Palaszczuk government's commitment to participate in the identity-matching services.

On 5 October 2017 the Premier along with other first ministers signed an intergovernmental agreement on identity-matching services. This bill provides the legislative framework for Queensland's participation in that capability. This is a national capability that offers a number of critical, law enforcement, national security and fraud prevention benefits for the Queensland community. The impetus for the development of the capability is a recognition of the impact of identity crime.

In 2016 the Commonwealth Attorney-General's Department estimated the financial cost of identity crime nationally was \$2.2 billion annually. This type of offending has broader consequences. Identity crime is also an enabler of other serious crimes such as terrorism and drug trafficking. The ability to confirm identity and to ensure the veracity of government identity documents moderates these significant risks and provides our police with an effective tool to keep Queenslanders safe. This debate occurs on the cusp of the biggest event ever held in Queensland—the Gold Coast 2018 Commonwealth Games. A major event of this scale requires a significant security response. We want the Gold Coast 2018 Commonwealth Games to be the safest and most successful ever. Operational Sentinel—the Gold Coast Commonwealth Games security operation—will deliver that response.

Technology that makes identification simpler and faster has clear benefits to those tasked with keeping Queenslanders, athletes and visitors safe during the Commonwealth Games. The Palaszczuk government is providing police with cutting-edge technology to keep our community safe. But we also recognise that access to this type of capability must be balanced by effective safeguards. For this reason, the use of the technology is constrained to permitted purposes that are outlined in the bill. The bill contains a new offence provision for use of Department of Transport and Main Roads information that is outside these permitted purposes.

At the Commonwealth level, the identity-matching services bill 2018 is currently before the federal parliament. That bill also contains robust safeguards, including the creation of an offence provision, constraints on the use of the capability, and reporting requirements. In addition to those legislative safeguards, a rigorous policy and governance framework will control the use of the capability. It includes the development of participation agreements between participating agencies and a requirement for privacy impact statements to inform access policies governing the use of the capability.

The Palaszczuk government is delivering on its promise to provide our police with the tools they need to meet contemporary challenges that we as a community face, such as identity crime and terrorism. Access to the identity-matching services will greatly assist our police in doing just that. Images from Queensland will be beamed to a television audience of 1.8 billion people during the Commonwealth Games. It is an opportunity of a lifetime to show the world the best that Queensland has to offer. Not only will the amendments contained in this bill assist in making the Commonwealth Games a safe and successful event for all, they will provide an effective mechanism to meet the ongoing challenges our police face in keeping Queenslanders safe.

I now turn to the amendments in the bill that increase the maximum penalties associated with explosives offences under sections 470A and 540 of the Criminal Code. The current penalties for these offences—of two and three years respectively—will be raised by this bill to seven years imprisonment. This is to ensure that the penalty for these offences reflects their seriousness and the risk to community safety associated with this type of offending.

Section 470A is also expanded to ensure that the manufacture or possession of explosives in circumstances that pose a risk of injury to a person or damage to property is captured by this offence provision. Given the clear and significant risk to public safety posed by this type of offending, it is important to ensure that appropriate deterrents are in place—particularly before a major event like the Commonwealth Games.

In relation to liquor trading hours during the Commonwealth Games, the Palaszczuk government has given careful consideration to the most appropriate way to strike a balance between the economic interests—

**Mr DEPUTY SPEAKER** (Mr Stewart): Order! Members, there is too much noise in the chamber. If you want to have a conversation, take it outside.

**Mr RYAN:** As I was saying, in relation to liquor trading hours during the Commonwealth Games, the Palaszczuk government has given careful consideration to the most appropriate way to strike a balance between the economic interests of the tourism and hospitality sectors and the public interest in ensuring a safe environment in and around Queensland's licensed premises.

In this regard, the bill amends the Liquor Act 1992 to enhance tourism and hospitality experiences for participants and attendees of the games by granting an additional hour of post midnight liquor trading to licensed premises in the Broadbeach and Surfers Paradise safe night precincts each night from 3 to 17 April 2018 inclusive. This will allow extra time for visitors to enjoy a meal and some entertainment after late-night sporting events during the Commonwealth Games. It will also pave the way for licensees in Gold Coast safe night precincts to make the most of the economic opportunities offered by the games.

Under the Commonwealth Games extended trading hours authority provided by the bill, licensees of licensed premises in Gold Coast safe night precincts will be granted the additional hour of post midnight liquor service automatically. This means that these licensees will not have to apply for the additional hour. In addition, these licensees will not be required to pay either an application fee or an extended trading hours approval risk criterion licence fee that would ordinarily apply in respect of the additional hour of post midnight liquor service.

On top of the extra hour of liquor trading, the bill also provides for licensees in Gold Coast safe night precincts to apply for temporary late-night extended trading permits for dates during the games period without paying an application fee. Minimising the administrative and financial burden associated with seeking longer liquor trading hours during the games period supports licensees in contributing to a vibrant night-life in Gold Coast safe night precincts.

The amendments to the Liquor Act 1992 represent a balanced approach to facilitating a vibrant and safe night-life during the Commonwealth Games without compromising the government's tackling alcohol fuelled violence policy framework. These amendments ensure the continuation of the ID-scanning arrangements that currently apply in respect of licensed premises in Gold Coast safe night precincts. For licensees currently subject to the ID-scanning obligations, the bill provides for the scanning of patron IDs to continue during the additional hour of liquor trading authorised by the games authority. For licensees that are not currently subject to the ID-scanning obligations, the intention is to ensure these licensees will not be required to scan patron IDs during the additional hour of liquor trading authorised by the games authority.

The policy of capping the number of temporary late-night extended hours permits available to a licensed premises for special occasions at six per calendar year will also remain in effect. However, as the Commissioner for Liquor and Gaming has indicated, the Commonwealth Games are a special occasion that span a 15-day period. Licensees will be able to seek temporary late-night extended hour permits for multiple consecutive days during the games period. The existing permit framework represents an appropriate number of opportunities for licensees to engage in very late-night liquor trading beyond the hours otherwise allowable on a permanent basis for the Commonwealth Games, particularly given the games authority provides an automatic extra hour of liquor trade in Gold Coast safe night precincts.

Increasing the number of available permits would undermine the tackling alcohol fuelled violence policy of this government and expose the community to increased risk of alcohol related harm. As I noted when I introduced the bill, research indicates that the rate of alcohol related assaults increases significantly with every additional hour of late-night liquor service. That is why the single additional liquor service hour has only been granted to licensees of licensed premises in Gold Coast safe night precincts. It is anticipated the entertainment hubs of Broadbeach and Surfers Paradise will become a particular focus for visitors to the Commonwealth Games and where the largest proportion of participants and attendees of the Commonwealth Games will gather.

As safe night precincts, these areas already have resources to address the risks of increased alcohol related harm arising from very late-night liquor service. Unlike other areas in the Gold Coast local government area, the Gold Coast safe night precincts are subject to requirements to implement additional harm minimisation measures such as high-visibility policing, ID scanning, transport, and rest and recovery services.

The bill will also ensure that swift action can be taken against licensed premises in Gold Coast safe night precincts that operate in a manner that adversely affects or is likely to adversely affect public safety or public order. Upon receiving advice to this effect from the Police Commissioner or an assistant police commissioner, the Commissioner for Liquor and Gaming is authorised under the bill to issue a public safety restriction notice to a relevant licensee. A public safety restriction notice may revoke the games authority for a licence, vary the hours of the licence, impose conditions on the licence, suspend

the licence or impose a combination of these measures. Public safety restriction notices will only have effect during the games period.

Amendments also authorise the Commissioner for Liquor and Gaming to revoke or vary a public safety restriction notice if the commissioner is satisfied there is no longer a threat to public safety or public order. Under the bill, licensees issued with a public safety restriction notice are not entitled to seek a merits based review by the Queensland Civil and Administrative Tribunal or receive compensation for losses sustained as a result of being issued with a restriction notice.

I note the lack of a QCAT review was cited as a concern in some submissions to the committee. While I acknowledge this concern, the parameters around issuing a public safety restriction notice provide for this remedy to be taken fairly and appropriately having regard to public safety and public order. Given the paramount importance of keeping the public safe, whether they are at games venues, restaurants, entertainment venues or their accommodation, it should be noted that the Queensland Police Service is supportive of the proposed Liquor Act amendments. During the Legal Affairs and Community Safety Committee inquiry into the bill, the Police Commissioner, Ian Stewart, stated that the bill strikes a reasonable balance between catering for tourism and having regard to policing services so that there is still that separation between the day and the night-time economies.

The Palaszczuk government recognises that, in general, licensees want to do the right thing and strive to create a safe environment for their staff and patrons. However, the unprecedented number of visitors to the Gold Coast creates a unique operating environment for licensees as well as for the Queensland Police Service. We simply cannot afford to be without the necessary safeguards that this bill provides for minimising alcohol related threats and potential threats to public safety and public order. I commend the bill to the House.