

# State Penalties Enforcement (Modernisation) Amendment Bill 2022

## Statement of Compatibility

### Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019*, I, Cameron Dick, Treasurer and Minister for Trade and Investment, make this statement of compatibility with respect to the State Penalties Enforcement (Modernisation) Amendment Bill 2022.

In my opinion, the State Penalties Enforcement (Modernisation) Amendment Bill 2022 is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

## Overview of the Bill

The State Penalties Enforcement (Modernisation) Amendment Bill 2022 (the Bill) will legislatively implement an integrated approach to managing fines for particular offences, with functions centralised in a single agency – the Queensland Revenue Office (QRO). The Bill will also provide a framework for the earlier registration of unpaid infringement notices with the State Penalties Enforcement Registry (SPER) within QRO for enforcement, and make miscellaneous amendments to modernise the operation of the *State Penalties Enforcement Act 1999* (SPE Act), the *State Penalties Enforcement Regulation 2014* (SPE Regulation) and the *State Penalties Enforcement Amendment Act 2017* (SPEA Act) and support the effective administration of SPER.

The Bill also:

- makes consequential amendments to the *Transport Operations (Road Use Management) Act 1995* (TORUM Act) and the *Traffic Regulation 1962* (Traffic Regulation) on account of the integrated approach to fines management;
- amends the *Land Tax Act 2010* (LT Act) to ensure that trustees of Special Disability Trusts (SDTs) are subject to the higher tax-free threshold and lower land tax rates that apply to individuals;
- amends the *Residential Tenancies and Rooming Accommodation Act 2008* (RTRA Act) to provide stable funding for the Residential Tenancies Authority (RTA) and ensure security of residential bonds on behalf of Queensland tenants; and
- amends the SPE Act and the *Taxation Administration Act* (TA Act) to modernise the operation of the confidentiality provisions.

The Bill will achieve these objectives by:

- amending the SPE Regulation to prescribe the registrar of SPER (the registrar) as the authorised person for service of infringement notices for the following offences (collectively, the relevant offences):
  - camera-detected offences as defined in the TORUM Act (e.g. speeding, not stopping at a red light, or uninsured driving); and
  - tolling offences under the *Transport Infrastructure Act 1994*(the fine serving measure);
- amending the SPE Regulation to prescribe the registrar as the administering authority for:
  - the relevant offences; and
  - other infringement notice offences in respect of which the Department of Transport and Main Roads (DTMR) was practically performing the functions of an administering authority prior to 1 February 2022 (including offences for which infringement notices were served by authorised officers appointed under the TORUM Act, and certain offences for which infringement notices were served by Queensland Police Service officers)(the fine administration measure);
- making consequential amendments to the SPE Act, the SPE Regulation and the SPEA Act to reflect the registrar's additional roles as an authorised person and an administering authority for particular infringement notice offences;
- amending the SPE Regulation to prescribe the types of enforcement costs payable by a person who owes money to SPER (a SPER debtor) and amending the SPE Act to clarify that:
  - enforcement costs are costs incurred by SPER in taking a step for the purpose of enforcing a fine, penalty or another amount under the SPE Act; and
  - such costs are ordinarily recovered by payment from the proceeds of seized property that has been sold(collectively, the enforcement cost recovery measure);
- amending the SPE Act and the SPEA Act to enable an earlier date to be prescribed by regulation for an administering authority to register a default certificate with SPER, with the regulation allowing for registration after the prescribed earlier date and with the possibility of being subject to payment of a prescribed late registration fee (although the Bill does not amend the SPE Regulation to prescribe such date or fee);
- amending the SPE Act to:
  - provide that the registrar is the person who is the Commissioner of State Revenue under the TA Act from time to time (the Commissioner) (the registrar appointment measure);
  - expressly authorise the use of body-worn cameras by SPER enforcement officers while exercising their powers under the SPE Act (the body-worn camera measure);
  - expressly authorise the registrar to disclose personal information of a SPER debtor to an entity, where such information is contained in a court order that has been

- registered with SPER and the disclosure is for the purposes of remitting an amount collected under the court order to the entity (the debtor details disclosure measure);
- expressly authorise the registrar (as administering authority) to disclose personal information about an alleged offender in relation to a particular infringement notice offence to the department or agency responsible for administration of the relevant legislation (the legislative administrator) for the purposes of enforcement of the offence (the enforcement disclosure measure); and
  - modernise the process for management of SPER enforcement officers (the enforcement officer management measure);
- amending the TORUM Act to allow the registrar to receive declarations in relation to particular offences for which the registrar will be the administering authority;
  - amending the Traffic Regulation to allow the registrar to view an image or video made by the digital driver behaviour system and form a belief as to whether an offence has been detected (the adjudication measure);
  - amending the LT Act to include the trustee of a Special Disability Trust as a category of trustee which is assessed for land tax under the rates and thresholds in schedule 1 of the LT Act which apply to individuals other than absentees;
  - amending the RTRA Act to:
    - replace the RTA's current funding model (under which the RTA funds its operations by income from investment returns on the rental bonds held on behalf of Queensland tenants) with an annual operating grant;
    - provide a statutory guarantee on the payment of rental bonds (the bond guarantee measure); and
    - remove the Rental Bond Interest Account and the RTA Board's functions with respect to investment of rental bonds; and
  - amending the confidentiality provisions in the SPE Act and the TA Act (the confidentiality measure).

## Human Rights Issues

### Human rights relevant to the Bill (Part 2, Division 2 and 3 *Human Rights Act 2019*)

In my opinion, the human rights under the *Human Rights Act 2019* (HR Act) that are relevant to the Bill are:

- the right to take part in public life (section 23 of the HR Act), in relation to the registrar appointment measure and the enforcement officer management measure;
- property rights (section 24 of the HR Act), in relation to the fine serving measure and the enforcement cost recovery measure; and
- the right to privacy and reputation (section 25 of the HR Act), in relation to the body-worn camera measure, the debtor details disclosure measure, the enforcement disclosure measure, the adjudication measure and the confidentiality measure.

For the reasons outlined below, I am of the view that the Bill is compatible with these human rights.

The other amendments contained in the Bill have no adverse impact on the human rights protected by the HR Act. Indeed, some of those amendments help promote human rights – for instance, the bond guarantee measure promotes property rights as it provides greater protection of rental bonds held on trust for Queensland tenants by introducing a statutory guarantee on their payment.

**If human rights may be subject to limitation if the Bill is enacted – consideration of whether the limitations are reasonable and demonstrably justifiable (section 13 *Human Rights Act 2019*)**

Registrar appointment measure

Clause 16 of the Bill amends the SPE Act to provide that the office of the registrar is held by the person who holds office as the Commissioner.

The registrar appointment measure limits the human right of the right to take part in public life (section 23 HR Act).

(a) the nature of the right

Section 23 of the HR Act provides that every person in Queensland has the right and opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives. The right protected by section 23 of the HR Act includes a right for every eligible person to have access on general terms of equality, to the public service and to public office.

The right protected by section 23 of the HR Act has been interpreted by the United Nations Human Rights Committee as providing a right of access, on general terms of equality, to positions in public office.

The right in section 23 is limited to ‘eligible persons’. This internal limitation provides for the prescribing of matters such as eligibility for a statutory office.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The SPE Act does not currently explicitly address how a person becomes the registrar. Further, apart from stating that the registrar is to be employed under the *Public Service Act 2008* (PS Act), under the SPE Act there are currently no particular requirements for, or limitations on, a person being employed as the registrar (e.g. that the person must hold certain qualifications).

This can be contrasted with the appointment of the Commissioner under the TA Act. The TA Act provides that the Commissioner is to be employed under the PS Act and is appointed to office by the Governor in Council by gazette notice. Further, a person must be appropriately qualified to be appointed as the Commissioner (i.e. must have the qualifications, experience or standing appropriate to perform the function of the office).

Current practice is that the person who holds the office of Commissioner from time to time also serves as the registrar. This is on account of the TA Act and the SPE Act both being administered within QRO, and functionally the person appointed as the Commissioner (and who acts as registrar) is the head of QRO.

The purpose of the registrar appointment measure is to provide certainty both in relation to how a person becomes the registrar, and the characteristics of that person. By legislatively enshrining the current practice, practically the ‘appropriately qualified’ requirement for appointment as the Commissioner will also apply to the office of the registrar by operation of legislation (rather than by convention, as is currently the case).

This purpose is consistent with a free and democratic society because the nature and range of the registrar’s powers under the SPE Act (including the power to serve infringement notices in respect of the relevant offences, under the fine serving measure) mean that the ability to exercise such powers ought properly be limited to an appropriately qualified person appointed with reference to a legislated process.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

Legislatively tying the holder of the office of the registrar to the holder of the office of the Commissioner limits the right for a person to have access to a position in public office in two ways – firstly, by implicitly adopting the requirement that the registrar must be an appropriately qualified person (thereby precluding any person who is not appropriately qualified), and secondly by preventing any person (whether or not appropriately qualified) who is not the Commissioner from holding the office of the registrar.

The restrictions on the identity of who can act as the registrar (i.e. the person who holds the office of the Commissioner, who must be appropriately qualified to have been appointed to that office) are intended to ensure that the office is occupied by a person who is suitable to exercise the powers given to the registrar under the SPE Act. As the TA Act and the SPE Act are both administered within QRO, it is appropriate that the person legislatively responsible for the administration of each Act (i.e. the Commissioner for the TA Act and the registrar for the SPE Act) be the same person.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There are no less restrictive and reasonably available ways to achieve the purpose of the registrar appointment measure.

It would be possible to include provisions in the SPE Act in relation to the appointment of the registrar, modelled on those in the TA Act in relation to the appointment of the commissioner. This would require a separate appointment process to be undertaken. However, given the integration of SPER functions within QRO, it is likely that the person who was appointed as the Commissioner under the TA Act would be nominated under that process for approval by the Governor in Council for appointment to the office of registrar. That is, a separate (but identical) appointment process would have the same practical effect as the registrar appointment measure and, thus, the same impact on the right to take part in public life.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

In my opinion, the potential impact of the registrar appointment measure on an individual's right to take part in public life is outweighed by the benefits to the State and citizens in their being certainty as to the process by which the registrar is appointed, and that process implicitly requiring the person holding that office to be appropriately qualified.

In reaching this view, it is significant that the registrar appointment measure will result in no greater an impact on the right to take part in public life than the existing appointment process, because that existing process has impliedly adopted the 'appropriately qualified' requirement by the appointment of the Commissioner as the registrar.

- (f) any other relevant factors

Nil.

#### Enforcement officer management measure

Clause 32 of the Bill amends the SPE Act to include a new Part 9, Division 2A in relation to the management of SPER enforcement officers. Clause 19 of the Bill relocates to that Division the existing SPE Act provisions relating to officers' identity cards. Clause 37 of the Bill replaces the existing SPE Act definition of 'enforcement officer', on the basis that the classes of persons who may be appointed as SPER enforcement officers are specified in new section 159C of the SPE Act.

The enforcement officer management measure limits the human right to take part in public life (section 23 HR Act).

- (a) the nature of the right

As noted above, section 23 of the HR Act provides that every person in Queensland has the right and opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives. That right includes a right for every eligible person to have access on general terms of equality, to the public service and to public office.

The enforcement officer management measure limits this right by:

- limiting the classes of person who are eligible to be appointed as a SPER enforcement officer to:
  - public service employees;
  - debt collectors or subagents under the *Debt Collectors (Field Agents and Collection Agents) Act 2014* who are engaged by the registrar under a contract (debt collectors); and
  - sheriffs, deputy sheriffs or bailiffs of a court (court officials);

- adding a requirement that, other than for a person who is a court official, the registrar must be satisfied that a person is of good character and otherwise suitable for appointment before they can be appointed as a SPER enforcement officer; and
  - specifying the circumstances in which a person's appointment as a SPER enforcement officer ends.
- (b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The SPE Act does not currently explicitly address how a person becomes a SPER enforcement officer, but simply defines 'enforcement officer' as:

- an appropriately qualified public service officer;
- a court official;
- a debt collector; or
- another person authorised to perform the functions, and exercise the powers, of a SPER enforcement officer.

Similarly, although the SPE Act currently requires a person whose office as a SPER enforcement officer ends to return their identity card to the registrar, the SPE Act does not describe the circumstances in which the ending of such officeholding can occur.

The purpose of the enforcement officer management measure is to provide certainty in relation to how a person becomes, or ceases to be, a SPER enforcement officer, and to impose an additional requirement that the registrar must be satisfied as to the good character and suitability for appointment of a public service employee or debt collector for such a person to be appointed as a SPER enforcement officer. Further, the classes of persons who are eligible for appointment will be narrowed, by removing the 'another person' class contemplated in the current definition of 'enforcement officer' (the 'another person' class).

This purpose is consistent with a free and democratic society because the nature and range of a SPER enforcement officer's powers under the SPE Act (including the power to enter premises and to seize property) mean that the ability to exercise such powers ought properly be limited to appropriate persons who are managed with reference to a legislated process.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The limitations in relation to the appointment of a person as a SPER enforcement officer (as to both class of person and character/suitability) are necessary to ensure that the extensive powers given to a SPER enforcement officer are only able to be exercised by appropriate persons. This necessarily limits the right to take part in public life by excluding certain persons from being eligible for appointment as a SPER enforcement officer, including persons in the 'another person' class.

Expressly providing the circumstances in which a person's appointment as a SPER enforcement officer will end (including resignation) also limits that right, but to a lesser extent.

The prescription of those circumstances is required to ensure that a person ceases to have the powers of a SPER enforcement officer when it is no longer necessary for the person to have them.

Importantly, for a SPER enforcement officer who is a public service employee, the ending of the person's office as a SPER enforcement officer does not in and of itself cause the person's employment as a public service employee to end.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There are no less restrictive and reasonably available ways to achieve the purpose of the enforcement officer management measure.

As noted, the SPE Act is currently silent as to how a person commences or ceases to be a SPER enforcement officer (although the provisions in relation to the issuing and return of an officer's identity card clearly contemplate the commencement and cessation of a person's appointment). Despite this, practically the registrar takes deliberate action to authorise a person to perform the functions of a SPER enforcement officer, and that authorisation ends where, for instance, the person resigns from their role as a public service employee. Arguably the non-prescription of clear conditions in relation to appointment and cessation (which, by necessity, leaves those decisions to be made by the registrar without legislative guidance) has a greater potential to impact a person's right to take part in public life than the enforcement officer management measure.

It is acknowledged that the current SPE Act definition of 'enforcement officer' contemplates that a person who is not an appropriately qualified public service officer, court official or debt collector may otherwise be authorised by the registrar to perform the functions and exercise the powers of a SPER enforcement officer. Removal of the 'another person' class limits the rights of a person in that class to take part in public life to some degree, by preventing them from being considered for appointment as a SPER enforcement officer. However, it does not prevent such a person from becoming a public service employee, as the additional requirements of being appropriately qualified and being of good character and suitable for appointment apply only in relation to appointment as a SPER enforcement officer.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

In my opinion, the potential impact of the enforcement officer management measure on an individual's right to take part in public life is outweighed by the benefits to the State and citizens in their being certainty as to the process by which SPER enforcement officers are managed, and restrictions on the classes and characteristics of persons who may be appointed.

In reaching this view, it is significant that:

- the enforcement officer management measure will result in no greater an impact on the right of a person in the 'another person' class to take part in public life than the existing appointment process, because practically, the registrar does not appoint persons in that class

as SPER enforcement officers, and no current SPER enforcement officers hold office on that basis;

- the enforcement officer management measure does not prevent a person in the ‘another person’ class from being appointed as a public service employee; and
- for a SPER enforcement officer who is a public service employee, the ending of the person’s office as a SPER enforcement officer does not in and of itself cause the person’s employment as a public service employee to end.

(f) any other relevant factors

Nil.

Fine serving measure

Clauses 51 and 52 of the Bill amend the SPE Regulation to prescribe the registrar as the authorised person for service of infringement notices:

- for the relevant offences other than mobile phone and seatbelt offences (the transferred offences) from 1 July 2022; and
- for mobile phone and seatbelt offences (the distracted driver offences) from 30 November 2022.

The fine serving measure limits the human right of property rights (section 24 HR Act).

(a) the nature of the right

The right to property protects the right of all persons to own property (alone or with others) and provides that people have a right to not be arbitrarily deprived of their property. The ability to own and protect property historically underpins many of the structures essential to maintaining a free and democratic society based on human dignity, equality and freedom.

The right includes the protection from the arbitrary deprivation of property. ‘Arbitrary’ in the human rights context refers to conduct that is capricious, unpredictable or unjust, and also refers to interferences which are unreasonable in the sense of not being proportionate to a legitimate aim that is sought.

The term ‘deprived’ is not defined by the HR Act, however deprivation in this sense is considered to include the substantial restriction on a person’s use or enjoyment of their property, to the extent that it substantially deprives a property owner of the ability to use their property or part of that property (including enjoying exclusive possession of it, disposing of it, transferring it or deriving profits from it).

The fine serving measure limits this right by allowing the registrar (as an authorised person) to serve an infringement notice on a person in relation to a relevant offence, inviting the alleged offender to discharge their criminal culpability by the payment of a prescribed penalty as opposed to having the matter determined by a judicial officer. If the alleged offender does not pay the penalty or elect to have the matter determined in the Magistrates Court, they will potentially be exposed to enforcement action by SPER.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the fine serving measure, in conjunction with the fine administration measure (so far as it relates to the registrar being prescribed as the administering authority for the relevant offences), is to reduce duplication of effort, delays, inefficiencies and ineffective collection and enforcement of fines for the relevant offences.

This purpose is consistent with a free and democratic society because the timely serving and collection of fines in a cost-effective and efficient manner is fundamental to the ongoing integrity and intent of the criminal justice system in a democracy. In particular, timely serving and resolution of infringement notices for the relevant offences:

- strengthens the link between action (i.e. commission of an offence) and consequence (i.e. an infringement notice);
- offers offenders an alternative to having a matter determined by a judicial officer;
- has the goal of reducing recidivism by offenders;
- acts as a deterrent for other citizens against committing offences; and
- generally promotes public confidence in the criminal justice system (i.e. that offenders will be punished).

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

*Public Service Departmental Arrangements Notice (No. 1) 2022* (the PSDA Notice) provides that Queensland Treasury (of which QRO, SPER and the registrar are a part) is responsible for serving infringement notices for the transferred offences from 1 February 2022, and for the distracted driver offences from 30 November 2022.

The SPE Regulation currently provides that infringement notices for the relevant offences may only be served by persons who are authorised officers under section 20 TORUM Act, being either a person appointed as such by the chief executive of DTMR, or a police officer. To give effect to the PSDA Notice, relevant QRO officers were appointed as authorised officers from 1 February 2022, albeit with their powers limited to serving infringement notices in relation to the transferred offences.

Other than the identity of who is legislatively prescribed to serve an infringement notice, the fine serving measure does not involve changing any aspect of any of the relevant offences such as the scope of the offence, any available defences, or the penalty for committing the offence. Further, in practice, QRO officers have been serving infringement notices for the transferred offences since 1 February 2022.

The limitation on property rights associated with the registrar (as opposed to an authorised officer) serving infringement notices in relation to the relevant offences is necessary to achieve centralised administration of infringement notices for the relevant offences.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There are no less restrictive and reasonably available ways to achieve the purpose of the fine serving measure.

As the Bill does not change any aspects of the relevant offences, individuals who committed a relevant offence would still be served with an infringement notice imposing the same fine if the fine serving measure was not implemented. That is, commission of a relevant offence would result in the same impact on property rights (i.e. the requirement to pay a fine of a particular amount) irrespective of whether the registrar or an authorised officer serves the infringement notice.

As noted, in practice QRO officers are currently able to serve infringement notices in respect of the transferred offences on account of having been appointed as authorised officers. It would be possible for those appointments to continue, and for the chief executive of DTMR to appoint the registrar and other persons nominated by the registrar as authorised officers to serve infringement notices in respect of the distracted driver offences from 30 November 2022. Although this would have the same practical effect as the fine serving measure (and thus the same impact on property rights), the fine serving measure is preferred so that there is legislative certainty.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

In my opinion, the potential impact of the fine serving measure on an individual's property rights is outweighed by the benefits to the State and citizens in centralising the service of infringement notices for the relevant offences (as part of a broader approach to the integration of service and administration of infringement notices for the relevant offences).

In reaching this view, it is significant that the fine serving measure will result in no greater an impact on the right to property than the existing infringement notice serving process for the relevant offences, because:

- the parameters of the relevant offences are not being changed, only the person legislatively responsible for serving an infringement notice; and
- in relation to the transferred offences, the intention is that the individuals who have been practically responsible for serving infringement notices for such offences from 1 February 2022 (i.e. relevant QRO officers) will continue to be responsible for serving such notices after commencement, as delegates of the registrar.

Further, an alleged offender has a right to have the matter the subject of the infringement notice decided in a Magistrates Court.

(f) any other relevant factors

Nil.

### Enforcement cost recovery measure

Clause 31 amends the SPE Act to clarify that enforcement costs are costs incurred by SPER in taking a step for the purpose of enforcing payment of a fine, penalty or another amount under the SPE Act. Clause 46 amends the SPE Regulation to prescribe the types of enforcement costs that are payable by a SPER debtor.

The enforcement cost recovery measure limits the human right of property rights (section 24 HR Act).

#### (a) the nature of the right

As noted above, the right to property protects the right of all persons to own property (alone or with others) and provides that people have a right to not be arbitrarily deprived of their property.

The enforcement cost recovery measure limits this right by providing that certain types of costs incurred by SPER in connection with enforcement action (such as the costs of a locksmith, storage, vehicle towage and fees associated with the sale of seized property) may be recovered from a SPER debtor, by way of deduction from the proceeds of sale of seized property.

#### (b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

Although the SPE Act currently contemplates that prescribed enforcement costs payable for steps taken to seize and sell property under an enforcement warrant may be recovered, no such costs are currently prescribed. The purpose of the enforcement cost recovery measure is to prescribe particular costs to ensure that where the registrar takes such enforcement action against a particular SPER debtor, those costs are ultimately borne by the SPER debtor from the proceeds of sale, rather than by the State.

This promotes the cost-efficient collection of fines and court-ordered amounts, which is a critical component of an effective criminal justice system. In particular, given the circumstances in which the prescribed enforcement costs would be payable (discussed below), it is appropriate that the SPER debtor bear the costs of enforcement action being taken, rather than the State.

#### (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The prescription of costs to be recovered necessarily affects the right to property, because those costs are to be satisfied from the proceeds of sale of a seized asset that would otherwise be applied in discharging the SPER debtor's existing obligations to SPER, other obligations or returned to the SPER debtor.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There are no less restrictive or reasonably available ways to achieve the purpose of the enforcement cost recovery measure.

The SPE Act currently contemplates that prescribed enforcement costs are able to be recovered from the proceeds of sale or other money received under an enforcement warrant, but no such costs are currently prescribed. Parliament has therefore considered that it is appropriate for particular costs incurred by SPER associated with the seizure and sale of a SPER debtor's assets to be borne by the SPER debtor.

Requiring the SPER debtor to separately reimburse the registrar for those costs, or adding the prescribed costs to the amount of the SPER debtor's debt, would have the same or greater impact on the right to property as the enforcement cost recovery measure.

The existing enforcement framework under the SPE Act contains various safeguards to ensure vulnerable debtors (such as debtors experiencing financial hardship, mental illness, cognitive or intellectual disability, homelessness, substance abuse disorder, and domestic and family violence) are not adversely impacted by or subject to escalated enforcement action. For example, the SPE Act provides for debts to be paid by instalments and the ability to discharge debts via work and development orders.

In relation to seizure and sale action specifically, the SPE Act contains various safeguards. For example, under section 69 of the SPE Act, enforcement warrants to seize and sell property can be made on the condition that the warrant must not be enforced until certain steps are taken to attempt to recover the debt from the debtor (which involve negotiation with the debtor). Section 73C of the SPE Act also requires consideration of minimising hardship to the SPER debtor and other persons, in deciding the order to seize and sell property.

As a further safeguard, the amendment specifically requires enforcement costs to have been reasonably incurred by SPER.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

In my opinion, the potential impact of the enforcement cost recovery measure on an individual's property rights is outweighed by the benefits to the State and citizens in ensuring the cost-efficient collection of fines and court-ordered amounts.

While SPER debtors may be adversely affected by recovery of enforcement costs, these provisions will only practically be relevant when property of a SPER debtor is seized and sold. This only typically occurs in relation to debtors who wilfully fail to comply with their payment obligations despite being given multiple opportunities to do so. The ability to recover enforcement costs is considered to be proportional to the expense and effort associated with enforcing the obligations of such debtors.

(f) any other relevant factors

Nil.

Body-worn camera measure

Clause 28 of the Bill amends the SPE Act to confirm the lawfulness of a SPER enforcement officer to use a body-worn camera to record images or sounds while the officer is performing their functions under the SPE Act.

The body-worn camera measure limits the human right to privacy and reputation (section 25 HR Act).

(a) the nature of the right

The right to privacy and reputation protects the individual from all interferences and attacks upon their privacy, family, home, correspondence (written and verbal) and reputation. It protects privacy in the sense of personal information, data collection and correspondence but also extends to an individual's private life more generally. Only lawful and non-arbitrary intrusions may occur upon privacy, family, home, correspondence and reputation. Arbitrary interference includes when something is lawful, but also unreasonable, unnecessary or disproportionate.

The body-worn camera measure limits this right by legislatively confirming the common law right of SPER enforcement officers to use body-worn cameras to record images, or images and sounds, while exercising a power under the SPE Act.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the body-worn camera measure is to confirm that SPER enforcement officers can lawfully record images, or images and sounds, of their interactions with SPER debtors, in the course of the officers exercising their powers under the SPE Act.

As well as providing a record of verbal orders and directions given by SPER enforcement officers, the use of body-worn cameras promotes the integrity of the enforcement process by (amongst other things):

- potentially reducing conflict in physical interactions between SPER enforcement officers and SPER debtors;
- providing evidence of the physical state of any seized assets at the time of seizure; and
- providing transparency and accountability.

Confirming the right to record images, or images and sounds, legislatively helps provide certainty for SPER enforcement officers and SPER debtors in relation to such recordings.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The recording of images, or images and sounds, by SPER enforcement officers necessarily infringes upon the right to privacy of any individual whose voice and/or image is captured in the recording. Although the primary focus of these recordings is intended to be the SPER enforcement officer and relevant SPER debtor, the nature of the recording process is such that it may inadvertently or incidentally record images and/or sounds of individuals who are not SPER debtors.

It is commonplace for body-worn cameras to be used by agencies that have legislative enforcement functions. Although there is a common law right to record images or sounds, over recent years there has been a trend to legislatively clarify that it is lawful for officers of those agencies to use body-worn cameras (e.g. section 609A of the *Police Powers and Responsibilities Act 2000*).

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There are no less restrictive or reasonably available ways to achieve the purpose of the body-worn camera measure.

As noted, SPER enforcement officers have existing rights at common law to record interactions with SPER debtors. Further, section 43(2) of the *Invasion of Privacy Act 1971* permits a party to a private conversation to use a listening device (defined broadly in section 4 of that Act in a way that would include a body-worn camera). Continued reliance by SPER enforcement officers on these existing common law and statutory rights to record images and sound would have the same impact on the right to privacy and reputation as the body-worn camera measure.

As body-worn cameras will typically be operated by SPER enforcement officers when exercising functions under the SPE Act against debtors who are subject to escalated enforcement action (e.g. debtors who wilfully do not comply with their obligations), the practical use is limited and thus the body-worn camera measure will not impact on a significant number of individuals. Additionally, any recording of persons other than SPER debtors will be inadvertent or incidental.

The SPE Act contains safeguards relating to the use and disclosure of confidential information (which includes camera footage). Specifically, section 134H of the SPE Act makes it an offence for an official (which includes a SPER enforcement officer) to disclose confidential information. The *Information Privacy Act 2009* (IP Act) and the information privacy principles contained in that Act also restrict the use of the camera footage.

Further, SPER currently has guidelines and procedures relating to the use of body-worn cameras and storage and use of footage, which will be reviewed following passage of the Bill.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

In my opinion, the potential impact of the body-worn camera measure on an individual's right to privacy and reputation is outweighed by the benefits to the State and citizens in there being a clear, express power for SPER enforcement officers to record audio and/or visual evidence of their physical interactions with SPER debtors.

In reaching this view, it is significant that the body-worn camera measure will result in no greater an impact on the right to privacy and reputation than the existing use of body-worn cameras by SPER enforcement officers pursuant to common law rights. Further, the circumstances in which such recordings would typically be made (i.e. as part of escalated enforcement action, following wilful non-compliance by a SPER debtor with its obligations) limits the number of individuals whose rights will be affected by a recording.

- (f) any other relevant factors

Nil.

#### Debtor details disclosure measure

Clause 30 of the Bill amends the SPE Act to enable the registrar to disclose identifying information when remitting an amount collected by SPER under a court order to an entity entitled to the amount.

The debtor details disclosure measure limits the human right to privacy and reputation (section 25 HR Act).

- (a) the nature of the right

As noted above, the right to privacy and reputation protects the individual from all interferences and attacks upon their privacy, family, home, correspondence (written and verbal) and reputation.

The debtor details disclosure measure limits this right by expressly permitting the registrar to disclose a SPER debtor's personal information that is contained in a court order, the particulars of which are registered with SPER, to an entity entitled to an amount under the court order. Practically, such entities are:

- the relevant entity that brought the court proceedings for an offence against an Act (a prosecuting agency) or
- a victim of crime to whom the court has ordered the SPER debtor to pay compensation or restitution (a third party creditor).

- (b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the debtor details disclosure measure is to assist prosecuting agencies and third party creditors in reconciling payments received from SPER pursuant to court orders that are registered with SPER, where SPER has collected such amounts from a SPER debtor.

The debtor details disclosure measure therefore promotes the efficient disbursement of court-ordered amounts received by SPER, which is a critical component of an effective criminal justice system. In particular, reducing the procedural effort required by a prosecuting agency or third party creditor in reconciling a payment received from SPER promotes confidence in the court system (especially in circumstances where considerable time may have passed since the court's judgement and/or effort may have already been expended by SPER in recovering payment from the SPER debtor).

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The debtor details disclosure measure does not result in the prosecuting agency or third party creditor obtaining any personal information in relation to a SPER debtor that that party cannot otherwise obtain, but rather, simplifies the process of obtaining that information.

Currently, when remitting a payment to a prosecuting agency or third party creditor, the registrar provides a remittance advice containing information such as the court order number, date of the relevant offence and remittance amount. The SPER debtor's name is not contained in that remittance advice. Absent such information, a prosecuting agency or third party creditor who is unable to identify the particular SPER debtor to whom the payment relates would need to make enquiries with the relevant Magistrates Court (as the Magistrates Court is authorised to disclose details in relation to court orders under the *Justices Act 1886*). This has resulted in a high workload for the Magistrates Courts, which traditionally have relied on paper-based records.

Expressly allowing the registrar to provide identifying information about a SPER debtor to a prosecuting agency or third party creditor (such as the SPER debtor's name) will therefore improve the ability of a prosecuting agency or third party creditor to readily reconcile a payment received from SPER without the time or resource burden involved in seeking additional details from the Magistrates Court.

- (d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There are no less restrictive or reasonably available ways to achieve the purpose of the debtor details disclosure measure.

As noted, prosecuting agencies and third party creditors receiving an amount from SPER are required to contact the Magistrates Court to determine the identity of the SPER debtor if it cannot be determined from the information provided by the registrar in the remittance advice. The disclosure by the Magistrates Court of that information would have the same or greater

impact on the SPER debtor's right to privacy and reputation as disclosure by the registrar under the debtor details disclosure measure, but is comparatively inefficient.

The registrar will only be able to disclose a SPER debtor's personal information in relation to a particular court order to the prosecuting agency or third party creditor referred to in the court order – that is, it is not a general power of disclosure. The information to be disclosed will also be limited to information that is contained in a publicly-available court order and is necessary for a prosecuting agency or third party creditor to ascertain the identity of a SPER debtor for the purposes of reconciling the remittance.

As noted in the discussion in relation to the body-worn camera measure, the SPE Act contains limitations in relation to the use and disclosure of confidential information. Although the disclosure of a SPER debtor's personal information in the relevant circumstances will be authorised by the debtor details disclosure measure, disclosure of such information in any circumstances not authorised by the SPE Act will be an offence. The IP Act and the information privacy principles contained in that Act also restrict the disclosure of a SPER debtor's personal information.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

In my opinion, the potential impact of the debtor details disclosure measure on an individual's right to privacy and reputation is outweighed by the benefits to the State and citizens in having court-ordered payments being administered efficiently and in a way that minimises the impact on the Magistrates Courts.

In reaching this view, it is significant that:

- the debtor details disclosure measure will result in no greater an impact on the right to privacy and reputation than the existing process by which a prosecuting agency or third party creditor can obtain details in relation to a payment received from a SPER debtor via SPER (i.e. by application to the Magistrates Court); and
- no additional information will be made available than under that process (noting that that information is contained in a publicly-available court order).

(f) any other relevant factors

Nil.

#### Enforcement disclosure measure

Clause 29 of the Bill amends the SPE Act to provide that, where the registrar is the administering authority for an infringement notice offence, the registrar may disclose confidential information that includes personal information to the department or other agency in which the legislative provision containing the offence is administered, for the purpose of the enforcement of the offence.

The enforcement disclosure measure limits the human right to privacy and reputation (section 25 HR Act).

(a) the nature of the right

As noted above, the right to privacy and reputation protects the individual from all interferences and attacks upon their privacy, family, home, correspondence (written and verbal) and reputation.

The enforcement disclosure measure limits this right by expressly permitting the registrar (as administering authority) to disclose personal information of an alleged offender in relation to a particular infringement notice offence to the legislative administrator for the purposes of enforcement of the offence – this includes investigating or prosecuting the offence, and applying to a court for a civil penalty or other order for the offence.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the enforcement disclosure measure is to facilitate the legislative administrator being able to conduct proceedings in relation to an infringement notice offence.

This purpose is consistent with a free and democratic society because the ability of the State to conduct proceedings in relation to an infringement notice offence is a fundamental component of the infringement notice process, which itself is a key part of the criminal justice system in a democracy. In particular, where an infringement notice is served on an alleged offender in relation to an infringement notice offence, it is critical that the alleged offender can elect to have the matter of the offence decided in a Magistrates Court.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

In order for a legislative administrator to conduct proceedings in relation to an infringement notice offence (whether or not at the alleged offender's request), the legislative administrator logically must have all necessary details in relation to the offence and the alleged offender. Expressly allowing the registrar (as administering authority) to provide personal information about an alleged offender to a legislative authority will therefore facilitate the legislative authority conducting such proceedings.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There are no less restrictive or reasonably available ways to achieve the purpose of the enforcement disclosure measure.

Although it may be open to the registrar (as administering authority) to commence proceedings in relation to an infringement notice offence, that function is more appropriately performed by the legislative administrator. This is because the legislative administrator has greater expertise in relation to the relevant legislation.

If the registrar could not disclose relevant information to the legislative administrator, the legislative administrator would potentially be unaware of the offence (particularly where the

registrar is also the authorised person for service of the infringement notice for the offence) and would be unable to commence proceedings.

Where an alleged offender makes an election to the registrar to have the matter of the offence decided in a Magistrates Court, it would be possible to require the alleged offender to provide relevant details directly to the legislative administrator. This would have the same or greater impact on an alleged offender's right to privacy and reputation as disclosure of that information by the registrar (as administering authority), but would be less efficient.

Under this measure, the registrar will only be able to disclose an alleged offender's personal information in relation to a particular infringement notice offence to the legislative administrator for the purpose of the enforcement of the offence – that is, it is not a general power of disclosure.

As noted above, the SPE Act contains limitations in relation to the use and disclosure of confidential information. Although the disclosure of alleged offender's personal information in the relevant circumstances will be authorised by the enforcement disclosure measure, disclosure of such information in any circumstances not authorised by the SPE Act will be an offence. The IP Act and the information privacy principles contained in that Act also restrict the disclosure of an alleged offender's personal information.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

In my opinion, the potential impact of the enforcement disclosure measure on an individual's right to privacy and reputation is outweighed by the benefits to the State and citizens in allowing the registrar to provide relevant information to the legislative administrator for enforcement purposes.

In reaching this view, it is significant that:

- the legislative administrator's ability to conduct proceedings for an infringement notice offence may be prejudiced, or such proceedings could not occur as efficiently, if the registrar could not disclose relevant information in relation to the offence to the legislative administrator; and
- where an alleged offender made an election to the registrar to have the matter of the offence decided in a Magistrates Court, there would be implied consent to the disclosure of relevant information to the legislative administrator to allow the legislative administrator to commence such proceedings.

(f) any other relevant factors

Nil.

#### Adjudication measure

Clause 56 of the Bill amends the Traffic Regulation from 30 November 2022 to allow the registrar to view images or videos made by a digital driver behaviour system as described in Schedule 10, Part 9 of the Traffic Regulation to form a belief as to whether the image or video has detected a distracted driver offence.

The adjudication measure limits the human right of privacy and reputation (section 25 HR Act).

(a) the nature of the right

As noted above, the right to privacy and reputation protects the individual from all interferences and attacks upon their privacy, family, home, correspondence (written and verbal) and reputation.

The digital driver behaviour system takes images of vehicles including vehicle registration numbers, as well as images of inside the vehicle cabin at both a shallow and a steep angle, to identify when a distracted driver offence has possibly occurred.

The adjudication measure limits the right to privacy by allowing the registrar to view the images or videos taken by the digital driver behaviour system which detect a possible distracted driver offence.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the adjudication measure is to ensure that adjudication of whether the digital driver behaviour system is accepted as having detected an offence ultimately rests with a human who has viewed images or video from the digital driver behaviour system before an infringement notice is issued.

This purpose is consistent with a free and democratic society, because the automated serving of infringement notices where such adjudication has not occurred would undermine public confidence in the criminal justice system.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

As noted above, part of the fines serving measure involves the SPE Regulation being amended from 30 November 2022 to prescribe the registrar as the authorised person for service of infringement notices for the distracted driver offences. Currently, an authorised officer (in terms of section 20 of the TORUM Act) has that responsibility.

In that capacity, it is appropriate for the registrar (as the person responsible for serving infringement notices for the distracted driver offences) to have responsibility for adjudicating the images and videos generated by the digital driver behaviour system. As the registrar will not personally be able to adjudicate all such images and videos, the registrar may delegate that function to an appropriately qualified person to assist in that task. In practice, such person will be a QRO officer.

The impact on the right to privacy and reputation will be restricted by such persons being subject to the Code of Conduct under the *Public Sector Ethics Act 1994*, as well as to confidentiality requirements under the SPE Act. Further, any delegates will receive training in relation to the adjudication of images and videos, and that training will include reminders of such restrictions.

It is not proposed to remove the reference to authorised officers being able to review images and videos generated by the digital driver behaviour system, as the system will potentially be used by DTMR in relation to offences other than the distracted driver offences.

The limitation on the right to privacy associated with the registrar or a delegate of the registrar (as opposed to only an authorised officer) adjudicating images and videos in relation to the relevant offences is necessary to achieve centralised administration of infringement notices for the transferred offences.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There are no less restrictive and reasonably available ways to achieve the purpose of the adjudication measure.

As noted, the Bill does not change any aspects of the distracted driver offences, other than who has responsibility for serving infringement notices. If the registrar did not have the ability (directly or via appropriately qualified public service employees authorised for that purpose) to view images or videos from the digital driver behaviour system, either:

- that function would need to continue being performed by authorised officers, who from 30 November 2022 will otherwise have no responsibility for actions in relation to the distracted driver offences; or
- infringement notices would have to be generated for every possible distracted driver offence flagged by the digital driver behaviour system (i.e. no adjudication would occur at all), which would potentially result in infringement notices being served where no offence actually occurred.

Neither of those alternatives are considered preferable to the adjudication measure, although it is noted that the latter alternative would likely only involve a human viewing images or videos from the system in the event that the recipient of the infringement notice challenged the validity of the notice.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

In my opinion, the potential impact of the adjudication measure on an individual's right to privacy and reputation is outweighed by the benefits to the State and citizens of ensuring that infringement notices are only served where the detection of a possible offence by the digital driver behaviour system has been verified by a human.

In reaching this view, it is significant that the adjudication measure will result in no greater an impact on the right to privacy and reputation than the existing infringement notice serving process for the distracted driver offences, because the Traffic Regulation currently requires human review of images or videos before an infringement notice is served.

(f) any other relevant factors

Nil.

### Confidentiality measure

Clause 29 of the Bill amends the SPE Act to allow the registrar to disclose confidential information that includes personal information to an officer of the department or Minister if the disclosure is permitted under a law. Clause 54 of the Bill amends the TA Act to allow the Commissioner to disclose personal confidential information to an officer of the department or Treasurer if the disclosure is permitted under a law.

The human right of privacy and reputation (section 25 HR Act) is relevant to the confidentiality measure.

#### (a) the nature of the right

Section 25 of the Human Rights Act provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. The right protects privacy in the sense of personal information and data collection as well as an individual's private life more generally. An unlawful or arbitrary interference would be one not permitted by law or that would be capricious, unpredictable or unjust.

The SPE Act and TA Act currently permit the disclosure of personal confidential information in specific limited circumstances, including disclosure to an officer of the department or relevant responsible Minister for developing or monitoring particular policies or for writing off losses under the *Financial Accountability Act 2009*.

The amendments to the SPE Act and TA Act confidentiality provisions will also enable a disclosure to an officer of the department, or relevant responsible Minister, if it is permitted under a law. Therefore, they impact the right to privacy by expanding the circumstances in which personal confidential information can be disclosed to an officer of the department or relevant responsible Minister.

#### (b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the amendments is to modernise the operation of the SPE Act and TA Act confidentiality provisions by addressing an inconsistency between those provisions and other laws which permit the disclosure of information to an officer of the department or Minister for valid reasons. For example, for the purpose of accounting to the Parliament in accordance with the constitutional law principle of Ministerial responsibility.

This purpose is consistent with a free and democratic society based on human dignity, equality and freedom as the amendments will permit only disclosures that are already permitted under a law. Importantly, these changes are consistent with the IP Act, and the Information Privacy Principles.

In this regard, the disclosures that will be permitted under the amendments would not unlawfully or arbitrarily interfere with a person's privacy.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The amendments specifically apply in relation disclosures to an officer of the department or relevant responsible Minister, and will permit the sharing of information that enables departmental and Ministerial functions to be performed, consistent with the constitutional law principle of ministerial responsibility, and laws governing information privacy.

- (d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

It is not considered that there are any less restrictive and reasonably available ways to achieve the purpose of the provisions. Under the SPE Act and TA Act it is an offence to disclose confidential information, including personal confidential information, unless the disclosure is specifically permitted under the SPE Act or TA Act.

The amendments are limited in that they apply only in relation to disclosures of personal confidential information to an officer of the department or Minister that are permitted a law. Therefore, the disclosure is limited to persons in roles which require them to be accountable for their actions.

Where a disclosure of personal confidential information is made in accordance with the SPE Act and TA Act, there are legislative safeguards which limit the on-disclosure of that information. Under the SPE Act and TA Act, where a person knowingly receives confidential information that they know or ought reasonably know is confidential information, it is an offence to disclose that information unless such disclosure is permitted under the SPE Act and TA Act. Therefore, the use of any personal confidential information that is disclosed as a consequence of the amendments will still be limited.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

In my opinion, the potential impact of the amendments to the SPE Act and TA Act confidentiality provisions on an individual's right to privacy is outweighed by the broader benefits that can be derived from modernising the provisions so they are consistent with other laws that permit the disclosure of information to an officer of the department or Minister.

For example, the amendments will facilitate use of information, including for forecasting revenue, particularly for individual taxpayers who have a large impact on the revenue of the state.

The impact on an individual's right to privacy is mitigated by the limited scope of the amendments and the existing safeguards in the SPE Act and TA Act relating to on-disclosure of confidential information including personal confidential information. Therefore, considering these factors in light of the broader benefits of the amendments, the limitation is considered reasonable and demonstrably justified.

- (f) any other relevant factors

Nil

## Conclusion

In my opinion, the State Penalties (Modernisation) Amendment Bill 2021 is compatible with human rights under the *Human Rights Act 2019* because it limits human rights only to the extent that is reasonable and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom.

**THE HONOURABLE CAMERON DICK MP**  
TREASURER  
MINISTER FOR TRADE AND INVESTMENT

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