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INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES COMMITTEE

Members present:

Mr J Pearce MP (Chair)
Mr CD Crawford MP
Mrs BL Lauga MP
Mrs AM Leahy MP
Mr AJ Perrett MP

Staff present:

Dr J Dewar (Committee Secretary)

PUBLIC BRIEFING—INQUIRY INTO THE TRANSPORT AND OTHER LEGISLATION AMENDMENT BILL 2017

TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, 14 JUNE 2017

Brisbane

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Committee met at 10.32 am

CHAIR: Good morning. I declare open this public briefing for the Transport and Other Legislation Amendment Bill 2017. I thank you for your attendance here today. I am Jim Pearce, the member for Mirani and chair of the committee. Other committee members here today are: Ms Ann Leahy, deputy chair and member for Warrego; Mr Craig Crawford, member for Barron River; Mrs Brittany Lauga, member for Keppel; and Mr Tony Perrett, member for Gympie. Shane Knuth will not be with us today.

Those here today should note that these proceedings are being broadcast to the web and transcribed by Hansard. Media may be present, so you could be filmed or photographed. The committee's proceedings are proceedings of the Queensland parliament and are subject to the standing rules and orders of parliament. Witnesses should be guided by schedules 3 and 8 of the standing orders.

The Parliament of Queensland Act requires the committee to examine the bill to consider the policy to be given effect by the bill and the application of fundamental legislative principles. Today's public briefing will form part of the committee's examination of the bill. I now welcome representatives from the Department of Transport and Main Roads.

BLETCHLY, Mr Don, Chief, Transport Network Security and Resilience, Department of Transport and Main Roads

CHENG, Mr Tony, Manager, Legislation Reform, Department of Transport and Main Roads

DAVIS, Ms Amy, Acting Policy Advisor, Transport Network Security and Resilience, Department of Transport and Main Roads

MAHON, Mr Andrew, Executive Director, Transport Access and Use, Department of Transport and Main Roads

MILWARD, Mr Peter, General Manager, Passenger Transport Integration, Department of Transport and Main Roads

ORR, Mr Tom, Director, Corridor Management and Protection, Department of Transport and Main Roads

ROSE, Ms Suzanne, Executive Director, Service Policy, Department of Transport and Main Roads

STAPLETON, Mr Mike, Deputy Director-General, Customer Services, Safety and Regulation Division, Department of Transport and Main Roads

WROBLEWSKI, Mr John, General Manager, Transport Regulation, Department of Transport and Main Roads

Mr Stapleton: Thank you for the opportunity to provide the committee with additional information on the Transport and Other Legislation Amendment Bill 2017. Like all omnibus bills, the bill contains amendments that deal with a range of issues. Some of the amendments will clarify and streamline the operation of existing provisions, some will introduce new provisions to improve the effectiveness of our transport legislation and, very importantly, some will enhance customer experience when dealing with the Department of Transport and Main Roads. I would like to briefly run through two of the more significant amendments in the bill and then welcome any questions from the committee.

First, the bill changes the name of the Adult Proof of Age Card Act 2008 to the Photo Identification Card Act 2008 and extends eligibility for the card to 15- to 17-year-olds. Adult proof of age cards are recognised as a reputable form of identification by banks, telecommunication companies and other government and non-government organisations. This initiative recognises that many young people begin part-time work when they are 15 and are becoming increasingly independent. Providing them with a recognised form of photo identification will assist them to access a range of goods and services available in the community. As the Deputy Premier said in her introductory speech, making these cards available to young people is not expected to facilitate them getting into licensed premises. As 16-year-olds can currently obtain a driver's licence, security staff already have to check dates of birth on any ID cards presented to them.

A second set of amendments in the bill will remove the need for people to use an approved form when applying to the department for various services. The Department of Transport and Main Roads has committed to providing its customers with an optimal customer experience and to do that is adopting a new range of approaches and technologies. The amendments in this bill are part of a larger project aimed at minimising the amount of paperwork required to undertake various transactions. Earlier this year, regulation amendments were made to remove the legislative requirement to use an approved form when applying for a driver's licence or to register a vehicle. Following on from this, a targeted trial commenced last week at two TMR customer service centres in Toowoomba where customers will be able to undertake those transactions verbally, reducing the need to complete long forms. This bill continues the process by removing the need to use an approved form from various transactions under the Transport Operations (Road Use Management) Act and the Adult Proof of Age Card Act. As you can imagine, these reforms have the potential to save customers significant time and effort and to greatly enhance their interactions with the department.

There are a number of other technical and minor amendments in the bill. For example, certain amendments to the Transport Infrastructure Act 1994 will streamline the consultation process with local government, railway managers or light rail manager in relation to declarations, revocations or designations for infrastructure or land. Specifically, the amendments will allow the department to carry out consultation on behalf of the minister.

Amendments to the Transport Operations (Passenger Transport) Act 1994 will clarify that the powers of authorised persons extend to an area adjacent to public transport infrastructure. A further minor amendment will clarify when a person may be automatically refused driver authorisation. For safety and security reasons, amendments will also limit the information about a transit officer required in a written report given to a detained person.

Finally, there are amendments in the bill to the Transport Security (Counter-Terrorism) Act 2008. Those amendments will increase the maximum penalty for a breach of confidentiality under the act and maintain the five-year review framework of the act to ensure the legislation remains appropriate and effective. Thank you for your time, and we welcome any questions.

CHAIR: Has the motivation for the changes regarding proof of age come from government policy or pressure from the community?

Mr Stapleton: It is a pressure from the community. As you might recall, some years ago we did have the 18-plus card. Then there was a fair bit of concern that the primary purpose was to allow people to have identification to prove they were over the age of 18. We then moved it on to its next iteration and, finally, we are finding that people are asking to have proof of identify below the age of 18 so they can establish bank accounts and who they are. As banks and other institutions have increased their requirement for identification to set up accounts et cetera, younger people have found it particularly difficult to prove who they are and acquire the type of identification needed to open such things as bank accounts or even to set up electricity accounts et cetera. There is a community demand for this, and it has been growing for some time.

CHAIR: The proposed changes to the Proof of Age Card are likely to impact on the work undertaken by door managers at clubs and other entertainment venues as they will no longer be able to rely on the card to automatically identify a person's age. Has the department liaised with industry regarding the likely impact of the proposed changes? Has it come up with a way that this could be done easily and simply?

Mr Stapleton: There are probably a couple of points there. One is that the requirements for the person on the door will be pretty much the same as apply currently for a driver's licence. As I indicated, it is possible for a 16-year-old to have a learner's licence and similarly for a 17-year-old to have a P1 driver's licence. At the moment, in checking those particular identification documents they

have to look at date of birth. That requirement is pretty much the same. We have had consultation with the industry. I know that Andrew has spent a fair bit more direct time talking to them. He can outline for you what that consultation has been.

Mr Mahon: We have been working with the office of liquor and gaming in managing this process forward. We probably do not intend to have these particular identification cards available until 2018, because we want to make sure we allow appropriate time for all of those industry groups to be made aware and to work with us in relation to making sure they are aware of the new requirements and the new card that will be available.

We will do a couple of little things to make sure it is quite visible. For example, we are looking at how we slightly redesign the card to ensure the date of birth is quite prominent and easy to see. Different to driver's licences, adult proof of age cards have the address on the back. There is quite a lot of space on the front of the card and we can make it fairly easy to read and understand that the person may not be 18-plus if they have one of these cards. We will work with the industry over the next six months, in addition to the work we have already done with the office of liquor and gaming to make sure that those licensed venues and places like convenience stores that might sell cigarettes for example are well aware of the new identification.

CHAIR: Is the ability of a young person to forge a card or make a copy of a card for use by friends covered?

Mr Stapleton: As you would probably be aware, we made significant changes to our card system late last decade. We moved to a biometric based card with secure issue and location. We do not issue cards directly through our customer service centre network anymore. We take the photo, primarily the biometric measures, and that then is transmitted to our issuing partner, who then dispatches the cards. Both the form of the card and the system itself are highly secure. It is just about near impossible to forge and definitely would not be possible for someone working off their computer at home. That is for certain. The effort we have put in over the last 15 years to strengthen our system—it is probably one of the best in the country—makes it impossible for that to happen.

Ms LEAHY: Clause 68 relates to the transitional provisions for the driver authorisation. The explanatory notes state that the bill will not cancel the driver authorisation of a person who has been convicted under category A—a driver-disqualifying offence—before the commencement and therefore the person then is only ineligible for the renewal of the driver authorisation. You could have someone who has a five-year driver authorisation who is convicted of an offence. Why was it not that they would be ineligible to have their driver authorisation immediately it was discovered they were convicted of that offence?

Ms Rose: Those amendments have been drafted that way in terms of potential fundamental legislative principles. Doing it the way that you described may raise issues about natural justice and the department is confident, based on criminal history of current holders of driver authorisations, that no person who has been convicted of attempted rape has been issued with a driver authorisation; therefore, it is very unlikely that existing rights of individuals will be impacted. This was a way, as we worked through the drafting process with Parliamentary Counsel, of mitigating that, but a search of our records shows that no-one who has been convicted of attempted rape holds a driver authorisation.

Ms LEAHY: What about if a situation arose in the future?

Ms Rose: If there was a future charge or conviction we could deal with that under the legislation. We would deal with that at the time.

Ms LEAHY: When you say 'deal with that', would that be the cancellation of the driver authorisation?

Ms Rose: Yes, suspension or cancellation. We would take immediate action.

Mrs LAUGA: I have a question about the proof of age card. For example, the Commonwealth Bank offers accounts for people over the age of 14—this card only goes to the age of 15—but you only need your birth certificate in order to apply. Looking at some other banks, NAB does not offer any bank accounts for people under the age of 18. Which banks will this proof of age card be required for?

Mr Stapleton: Just mentioning that, any bank that is not offering a younger person an account would not stop you from opening an account. You would just have to meet the identification requirements that are required of an adult, so you would still have to meet those requirements if you were younger than 18.

Mrs LAUGA: The NAB does not offer any accounts, even if you are under the age of 18, and for the Commonwealth Bank you have to be 14. If you are under 14, you need the permission of your parent or guardian. If you are over the age of 14, all you need is your birth certificate. Which banks has the rationale for this come from?

Mr Mahon: Banks were just one example, and we do not have specifics about which particular banks are asking for that particular ID. The issue around allowing this is to make sure that it is easier for those to get those bank accounts opened or other services they might need. Another example might be simply going to see a 15-plus movie at the cinemas. It is quite difficult for young people to prove their identification in that they are old enough to do that, so banks were just an example provided. There are some institutions in there but I could not tell you exactly which ones, I am sorry.

Mrs LAUGA: How far do you go? Why do you choose the age of 15? Why not make a proof of age card available for everyone over the age of 12 or everyone over the age of five, or why do you not just make it from birth?

Mr Stapleton: I suppose we need to draw a line somewhere rather than becoming a whole-of-population identification card, because that discussion has been had by the community previously. It is a voluntary card available for people who believe they may need that identification to prove who they are to transact whatever business they may choose to. Granted, we have picked the age of 15, mainly because people can enter the workforce at 15—I think it is 14 years and nine months. The thinking was that children who had chosen to start a job at that time would probably be looking for that identification for a number of reasons.

Mrs LAUGA: Thank you.

Mr PERRETT: What is the process a young person has to undertake to get one of those proof of age cards? What do they have to supply to prove their age and who they are?

Mr Wroblewski: It is still based on evidence of identity, so it is the same as for getting your learner driver's licence. I do not have the specifics with me—we can make those available if you wish—but there are several categories of identity that are required to prove your age, including category A documents such as a birth certificate and other supporting documents. The level of evidence required to establish the photo identity card will be the exact same level of evidence as required to establish you for a learner licence and driver's licence.

Mr PERRETT: I was just curious to know, given that it was mentioned before that you have to do that to open a bank account and whatever else. Presumably, once this is in place then that will be hopefully all that is required by the relevant authorities to say, 'Yes, that proves your age.'

Mr Wroblewski: Once you have established your evidence of identity once, that suffices and works for various organisations across other parts of government and within the community. There are several ways of doing that, so inside the category break-up for category A and category B documents there are several alternative ways of getting there. In essence, you may well create a bank account first before you got your evidence identity. In reality you may have created a bank account and used those details as part of your evidence identity. The evidence identity is a higher standard than most other forms, which is why it requires greater detail in the provision of evidence about who you really are.

Mr PERRETT: Just from a statistical basis, what percentage of the population now—the 18-year-olds—has one of those proof of age cards?

Mr Wroblewski: We will have to go back and find the numbers, I am sorry. I do not know.

Mr PERRETT: I ask that only to know what additional costs there may be to government to provide those. That is why I ask how many 18-plus have these proof of age cards now.

Mr Wroblewski: There will be no additional cost to government to provide the photo identity card. The cost of acquiring the photo identity card, which the consumer pays for, covers the cost of manufacture and systems and interaction time.

Mr PERRETT: I would be interested to know how many 18-year-olds or others have these proof of age cards, just for my information.

Mr Wroblewski: We will be happy to get those figures and provide them.

CHAIR: What is the cost of the card?

Mr Stapleton: For the existing card it is currently \$64.40, but the price will increase to \$66.65 on 1 July.

CHAIR: A young person goes through the stages of being a young person who needs a card for identity and then they move on to the next stage where they are required to get a learner's permit and a green P licence, so that is a new step and there will be more costs involved.

Mr Stapleton: Yes, correct.

CHAIR: How will the price increases for the card be determined?

Mr Stapleton: The same way they currently are. They are linked to CPI, as is the case with all our product. That is, as the government identifies the CPI level and applies it through, it will apply to the card.

CHAIR: Given the work culture that is starting to develop in this country and in Queensland, it seems to me that young people who are not working are going to be struggling to meet those ongoing costs. Has that been taken into consideration?

Mr Stapleton: It is not a factor that we take into account in pricing the product. We look at the cost of production and manufacture of the card to determine the original price and then it is linked to CPI from that point onwards.

CHAIR: During the consultation process were there any issues raised consistently that the committee should be made aware of?

Mr Mahon: Nothing that we are aware of of any significance. So far we have had general support for the reforms.

CHAIR: Excellent.

Ms LEAHY: With regard to the chair's previous question about issues raised in consultation, the explanatory notes say that no specific community or industry consultation was undertaken on the amendments proposed in the bill. If there was no specific community or industry consultation, how can we be assured as a committee that no issues were raised?

Mr Mahon: As raised earlier, the consultation occurred through government agencies, so the office of liquor and gaming in this particular case was consulted to seek their input around the types of issues that the industry they deal with would be coming across. Their view was that there was not anything substantial at all. In fact, as long as we make sure that we keep the relevant areas informed and the relevant industry groups informed throughout the process of implementation, we can address any concerns in there. Given that these types of cards are offered at younger ages in other jurisdictions as well, we did not perceive there to be any major issues there.

Ms LEAHY: The bill goes a lot further than just changing the ID cards. There are a number of amendments to transport operations, the passenger transport act, transport planning and coordination. There are a significant number of amendments in relation to transport, even to transport security counterterrorism. It is quite significant. Why was there no consultation on any of these items that are proposed in the bill?

Mr Stapleton: I would have to check with my other colleagues to see what had happened because I have been talking primarily in relation to the card issue. I am uncertain as to what other consultations may have occurred, but do you wish me to check?

Ms LEAHY: Given that the explanatory notes say that there was no consultation, I think the committee should have a listing of what consultation was undertaken. There is more than just the proof of age amendments here.

Mr Stapleton: Yes.

Ms LEAHY: There are significant amendments and some in relation to the carriage of dangerous goods. A lot of these things are quite significant. I am mystified as to why there was no consultation at all with industry.

Mr Stapleton: The dangerous goods one, for example, was an issue that was identified as a bit of a loophole that has been closed in that it permitted the carriage of dangerous goods in small quantities without them being adequately marked. It was more a matter of making sure there was full disclosure and the public safety was being maintained so people were aware of what they were handling. Some of those issues were more or less considered to be relatively minor amendments to ensure there was proper transparency in the current process if it did not exist. We would identify it as a public benefit more than anything else and would not go out to wider consultation on its own as a small matter.

Ms LEAHY: We might move on to some of those things. I notice that there is an amendment in relation to the carriage of infectious substances. Could you perhaps give the committee a definition of an infectious substance?

Mr Stapleton: That relates more to medical substances such as contaminated bloods and those types of products that can be transmitted through mail in some quantities and the people who were handling the product may not be aware. It is more a matter of making sure that people are aware of what they are receiving and handling in the process of moving the goods along. That is an example.

Mr Mahon: Just to further clarify on that particular amendment, there are provisions within the current legislation that allow very small amounts of dangerous goods to not be regulated, and in this case we are effectively fixing an issue where those infectious substances might have been caught in that category. Generally speaking they would not be but, to make sure and to remove doubt, we are making sure it is very clear in the legislation that infectious substances, no matter what volume, cannot be transported outside of the regulatory platform.

Ms LEAHY: Is there a clear definition of 'infectious substance'?

Mr Mahon: Yes, there is—under UN division 6.2. An infectious substance is under the UN classification system for dangerous goods. There is an overarching definition categorised within that.

Ms LEAHY: Could the committee have a copy of that, please?

Mr Mahon: That is in the bill.

Ms LEAHY: The definition is in the bill?

Mr Mahon: It is section 440, clause 58.

CHAIR: I want to go back to the consultation. I think it is important to make it clear that the committee and MPs can often find themselves in an embarrassing position if there has not been a consultation process. It can be embarrassing media-wise. 'No consultation? Why was there none? This is wrong.' Did the department deliberately intend to not carry out consultation?

Mr Stapleton: A lot of these amendments are a list of what we call minor technical amendments, such as the one we have just discussed, where a relative loophole has been identified that you could argue impacted public safety because of the nonidentification. A lot of these are of that technical nature as is often the case with a lot of the amendments attached to a transport legislation bill. We are dealing with a whole series of minor amendments and would not normally go out to public consultation on those items.

You will note from the range of issues in this bill that there is a whole series of minor amendments across a broad area of legislation. If you are asking whether we had gone out with a whole package of minor amendments, we have identified these are over a period of some years now. This bill has been in the making for a number of years where we have been collecting up these minor amendments to present to parliament to consider. These are ones that we believe close loopholes that have been identified in operations over the past couple of years.

CHAIR: If I were a 17-year-old, is there any reason I would not be provided with a proof of age card?

Mr Stapleton: At the moment we do not have available a product for 17-year-olds other than a learner's licence or a P1 licence. Our primary product is not about identification; it is about driver licensing. This is really an extension of a product. Government has offered the 18-plus card historically. That has gone to an adult proof of age card and we now propose to offer that product to younger people as a service. It is not a mandatory product; it is one that you may choose to acquire. We saw it merely as an extension of a service already being offered to people aged 18 and over. A number of people have come into our customer service centres saying, 'I do not want a driver's licence but I would like an identification product.' It is not core business for us—licensing and registration are our core businesses—but there has been a demand from the public to have such a product and that is what we are responding to.

CHAIR: The person would just have to turn up with a birth certificate?

Mr Stapleton: The category A documents and supporting B documents to prove who they are, as they currently do for a learner's licence. At the moment we are turning those people away and saying, 'No, we cannot help you.' A couple of people have come into my office unable to acquire identities. One person was unable to fly because they could not prove their identity. They had lost their identification card. Admittedly they were over 18. There are people out there who do need to prove their identity who have difficulty. It is difficult to access services if you do not have identification. The truth is that this card, along with our licences, is really a pretty critical category A document. We want to offer that product to more people, particularly those under the age of 18.

Ms LEAHY: I refer to section 440, clause 58. It does refer to UN division 6.2, 'Infectious substances'. I would appreciate a copy of that list, please, because it does not give me a list; it says that that is how they are defined. It would be interesting for the committee to see what is in that list.

Mr Mahon: That is not a problem. We can provide that. To clarify further in relation to that particular amendment, the dangerous goods rules are managed nationally through the NTC and have been previously consulted on and agreed on. We are simply making an amendment to bring us into line with that.

Mr Stapleton: The consultation would have been undertaken nationally through the National Transport Commission.

Ms LEAHY: Could you provide us with the details of what consultation was done?

Mr Stapleton: We will have a look. There will be a history of the consultation on these amendments available on their website, but we will find that for you.

Ms LEAHY: Going back to the explanatory notes, there is a comment I want to explore. It states—

The Bill is specific to the State of Queensland and is not uniform or complementary to legislation in the Commonwealth or another state or territory, except for the amendments related to the transport of dangerous goods by road and rail.

What happened in relation to the transport of any dangerous goods by air?

Mr Stapleton: That is covered under federal aviation; it is not covered under state law. That is where that would be covered. We cover road and rail.

Ms LEAHY: What checks has the department done to make sure they are not impinging on or duplicating any federal legislation?

Mr Stapleton: Given that that particular one is coordinated from the National Transport Commission at the federal level, it is being coordinated across departments. We are merely enacting what has been agreed to for road and rail. I imagine that would be almost identical for air in terms of what is required there as well. That is really, I suppose, the responsibility of a federal government department. This part is our responsibility, and that is part of a national system.

Ms LEAHY: However, the state government—Queensland is quite unique—does have input into air services which they regulate and also subsidise in Queensland. Could the department provide a little bit more background information to the committee so that we have a full understanding of how these things dovetail together?

Mr Stapleton: Okay. We will do that, Deputy Chair.

CHAIR: Given that there is not a lot to this bill, that turned out to be interesting. I think we have three questions on notice.

Mr Stapleton: We may already have an answer to one of those.

Mr Mahon: In regard to the member for Gympie's earlier question around the number of APA cards, it is 710,000 in Queensland. That is across 18-plus. That could be someone who is 18 years old or it could be someone who is 82 years old.

CHAIR: Given that there are no more questions, we will close this briefing. Could you return responses to the other two questions on notice to us by 21 June?

Mr Stapleton: We will do so, Chair.

CHAIR: I thank you for your attendance at today's briefing. As always we learn things and sometimes we learn too much and we have to take it further. We always appreciate your time and frankness when you are here before us. Thank you to the Hansard reporters, who always do a fantastic job. A transcript of these proceedings will be available in due course. Thank you very much again. I declare the briefing closed.

Committee adjourned at 11.11 am