



LEGAL AFFAIRS AND COMMUNITY SAFETY COMMITTEE

Members present:

Mr PS Russo MP (Chair)
Mr JP Lister MP (via teleconference)
Mr SSJ Andrew MP (via teleconference)
Mr JJ McDonald MP
Mrs MF McMahon MP
Mrs CP McMillan MP

Staff present:

Ms R Easten (Committee Secretary)
Ms M Westcott (Assistant Committee Secretary)

PUBLIC BRIEFING—POLICE AND OTHER LEGISLATION (IDENTITY AND BIOMETRIC CAPABILITY) AMENDMENT BILL 2018

TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, 21 FEBRUARY 2018

Brisbane

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The committee met at 3.32 pm.

**FORD, Mr David, Deputy Director-General, Liquor Gaming and Fair Trading Division,
Department of Justice and Attorney-General**

**MAHON, Mr Andrew, General Manager, Transport Regulation Branch, Department of
Transport and Main Roads**

**ROSS, Mr Andrew, Acting Director, Strategic Policy Branch, Policy and Performance,
Queensland Police Service**

STEWART, Mr Ian, Commissioner of Police, Queensland Police Service

**WILSON, Senior Sergeant Andrew, Legislation Branch, Policy and Performance,
Queensland Police Service**

CHAIR: Good afternoon. I declare open this public briefing for the committee's inquiry into the Police and Other Legislation (Identity and Biometric Capability) Amendment Bill 2018. On 15 February 2018 the Hon. Mark Ryan MP, Minister for Police and Minister for Corrective Services, introduced the bill to the parliament. The parliament referred the bill to the Legal Affairs and Community Safety Committee for examination, with a reporting date of 2 March 2018.

I am Peter Russo, the member for Toohey and chair of the committee. Other committee members are James Lister MP, who is on the phone, the member for Southern Downs and deputy chair; Steve Andrew MP, the member for Mirani, who is also joining us by teleconference; Jim McDonald, the member for Lockyer; Melissa McMahon MP, the member for Macalister; and Corrine McMillan, the member for Mansfield. The committee's proceedings are proceedings of the Queensland parliament and are subject to the standing rules and orders of the parliament. The proceedings are being recorded by Hansard and broadcast live on the parliament's website. Media may be present and will be subject to the chair's direction at all times. The media rules endorsed by the committee are available from committee staff if required. All those present today should note that it is possible you might be filmed or photographed during the proceedings. I ask everyone present to turn their mobile phones off or to silent mode. Only the committee and invited officials may participate in the proceedings. As parliamentary proceedings, under the standing orders any person may be excluded from the hearing at the discretion of or by order of the committee.

The purpose of this briefing is to assist the committee with its examination of the bill. The principal purposes of the bill are to amend various laws flowing from Queensland's participation in the Intergovernmental Agreement on Identity Matching Services, to amend the Criminal Code to strengthen the penalties relating to unlawful possession and manufacture of explosives, and to provide for extended liquor trading arrangements for the 2018 Commonwealth Games.

Representatives of the Queensland Police Service, the Department of Transport and Main Roads and the Liquor Gaming and Fair Trading division of the Department of Justice and Attorney-General have been invited to brief the committee on the bill. I welcome from the Queensland Police Service Commissioner Ian Stewart, Senior Sergeant Andrew Wilson from the Legislation Branch of Policy and Performance and Mr Andrew Ross, the Acting Director of the Strategic Policy Branch in Policy and Performance; from the department of transport Mr Andrew Mahon, the General Manager of the Transport Regulation Branch, and Sally Noonan, the Deputy Director-General of Policy, Planning and Investment; from the Liquor Gaming and Fair Trading division in the Department of Justice and Attorney-General Mr David Ford, the Deputy Director-General of Liquor Gaming and Fair Trading, and Nina Starling, the Manager of the Liquor Gaming and Fair Trading division; and from the Department of Justice and Attorney-General Ms Jo Hughes, the Principal Legal Officer of Strategic Policy. Good afternoon. I invite you to make an opening statement briefing the committee, after which committee members will have questions for you.

Commissioner Stewart: Thank you, Chair. Before I start, I congratulate the new members of the committee. It is wonderful to see so many people known to us on this particular committee and I look forward to the ongoing work during the life of the parliament with the committee, so thank you to those both present in the room and to Mr Lister and Mr Andrew as well.

Good afternoon and thank you for the opportunity to brief the committee on the Police and Other Legislation (Identity and Biometric Capability) Amendment Bill 2018. Here today we have a number of departmental representatives present who are in a position to provide the committee with assistance in relation to their respective portfolio legislation. Chair, as you noted before with the introductions, I particularly want to identify Ms Melissa Cummins from the Department of Transport and Main Roads, Mr David Ford from the Liquor Gaming and Fair Trading division of the Department of Justice and Attorney-General, and Ms Jo Hughes from the Department of Justice and Attorney-General.

The bill that we are discussing today is directed at achieving a number of policy objectives. Firstly, it amends the Police Service Administration Act and the Transport Planning and Coordination Act to establish a legislative framework for the identity matching services which is a national capability to enable the sharing of government-held identity images for specific purposes. Secondly, it amends the Police Powers and Responsibilities Act and the Transport Planning and Coordination Act to remove current legislative restrictions on access to Transport and Main Roads images by the Queensland Police Service. Thirdly, it increases penalties for the explosive offences contained in sections 470A and 540 of the Criminal Code and also expands the scope of the offence in section 470A of the Criminal Code. Finally, it amends the Liquor Act to support extended trading hours for certain venues during the Commonwealth Games period.

I would like to begin with the identity matching services components of the bill and address the needs for the capability, the proposed operational uses of it and outline the safeguards that will constrain and control its use. By way of background, the Commonwealth government has developed a national facial biometric matching capability which will be delivered through the identity matching services, or IMS. To give effect to the capability, all first ministers signed the Intergovernmental Agreement on Identity Matching Services on 5 October 2017. As part of that agreement, Queensland, along with other Australian jurisdictions, agreed to introduce the necessary legislation to facilitate the identity matching services. The identity matching services will allow for the sharing of matching of facial images held by government agencies in Australian jurisdictions. The primary sources of information that we are talking about are driver's licences and identity card facial images held by the state and territory transport agencies and passport and visa images that are held by Commonwealth agencies.

The need for a better way of sharing and matching facial images across jurisdictions grew out of the identification of the vulnerabilities associated with traditional name based identity checking. The use of fake identities is obviously not a new phenomenon. However, the ubiquitous presence of technology and the transmission of personal information online has increased the prevalence and impact of identity crime in Australia. For example, in its 2016 report on identity crime and its misuse in Australia, the Commonwealth Attorney-General's department identified that approximately five per cent of the Australian population were the victims of identity crime annually and that the cost of this offending nationally was \$2.2 billion a year. Even on a population pro-rata basis, this means identity crime is costing Queenslanders \$440 million a year. Those statistics speak to a significant impact both on individual victims and also on our community as a whole.

The impact of identity crime is of course significant in its own right. However, this capability is not simply a response to the impacts of identity related fraud. The recognition that identity crime is an enabler of serious crimes and terrorism is also a key catalyst for the development of this national approach. Indeed, one of the main recommendations of the Martin Place siege review was that agencies issuing documents should strengthen identity checking through a national facial biometric matching capability. We know that in this country fake identities have been used by people convicted of terrorism offences to purchase items such as chemicals, explosives and mobile phones. That is clearly a real concern. It is even more concerning when considered against the background of the sobering fact that in the last 3½ years in Australia 85 people have been charged as a result of 35 counterterrorism operations. There have been six terrorist attacks and 14 major disruption operations in response to potential attacks in Australia. That is the reality from which the identity matching services has emerged.

I would now like to talk about how the capability is intended to operate and provide some examples of the operational utility that the capability will have. I want to emphasise that the identity matching services does not create a single database or repository of images. What it does is create a central hub at the Commonwealth level hosted by the Department of Home Affairs through which participating agencies can share and match facial images on a query and response basis. That way,

agencies retain control of their own images. The term ‘identity matching services’ is an umbrella term for a number of specific technical services. The key services are the face verification service. This service will be used to confirm that a person is who they say they are by comparing an image of the person with images held by government agencies against their known or claimed identity. It is a one-to-one matching service. To put that in clear terms, an image of a person who claims to be John Smith could be entered into the face verification service and the image could be matched to a passport, driver’s licence or other government-held image of John Smith to verify that person’s identity.

The face identification service is a service for law enforcement and national security agencies which is a one-to-many search—that is, you put in a facial image of an unknown person, perhaps from CCTV or another source, and the system returns a result by matching the image of the unidentified person against images held by government agencies. The one-person, one-licence service, which is about ensuring the integrity of driver’s licences, will allow state and territory agencies to identify people who might hold more than one licence, including licences under a fake or assumed identity.

The bill allows the use of the services only for permitted purposes that are consistent with the purposes contemplated by the intergovernmental agreement and are defined in the bill. The purposes are the prevention, detection, investigation and prosecution of identity crime and other offences against state and Commonwealth law; national security related investigations and intelligence gathering; the security of a participating agency’s assets or personnel; identifying individuals who are at risk of or who have experienced physical harm; improving road safety; and verifying an individual’s identity with consent or as authorised by law.

I will now address how the capability might be of utility in a practical sense with some specific examples. Any technology that limits the capacity of people to obtain and use fake identity documents is of significant preventive benefit in terms of the prevention of fraud and identity crime, and also in the prevention of crime that is enabled by identity crime. It is also of substantial assistance in criminal investigations and from the perspective of community safety and road safety. The capacity to compare a CCTV image of a suspect in a criminal investigation, whether that be a terrorism investigation, a robbery or other crime, against a large pool of images held across the nation is of enormous benefit from a policing perspective. This rapid identification of a suspect at an early stage in an investigation has a number of benefits. It allows the collection of evidence that might otherwise be lost in the time it would take to identify the suspect and early identification also assists in the faster finalisation of investigations and in the speedier apprehension of offenders who might pose a significant threat to community safety.

However, the policing benefits of this capability are not limited to the investigation of offences. Police frequently locate people who are deceased or seriously injured and, because of the circumstances, they cannot be immediately identified. This could happen in the context of a natural disaster or in day-to-day policing where a person has been the victim of a crime or has otherwise suffered a significant illness or injury. The ability to take a photograph of a person and then run it through the face identification service has the benefit of reducing delays in the notification of next of kin and loved ones, and also in obtaining information that might be relevant to the treatment of the person.

Identity matching services will also benefit road safety. Road safety is contingent on the integrity of our driver’s licence system and there are instances in Queensland where people who are disqualified have been able to obtain a fake driver’s licence. This capability addresses that risk and in doing so will make a significant contribution to road safety.

Safeguards: now that I have identified what the capability is about, I want to touch on what it is not about, for your assistance. This is not a capability that will be used for passive surveillance of people in public places. The system is not designed for that. As you can see from clauses 17 and 24 of the bill, the restriction on the use of the capability to specific permitted purposes prevents that as well. This is a single transaction query and response system and its use is contingent on meeting one of the permitted purposes I have already outlined. The bill also creates a specific offence provision in the Transport Planning and Coordination Act for the misuse of DTMR information. In addition to those features of the bill, the policy regime that will frame the use of the capability will also provide stringent privacy safeguards, including the development of participation agreements that will commit participating agencies to clear guidelines with respect to their use; a requirement to undertake independent privacy impact assessments designed to ensure any potential privacy issues are identified and addressed; training regimes for staff using the capability; and auditing requirements.

Further, the Commonwealth government’s Identity-matching Services Bill 2018 creates a framework of privacy safeguards at the Commonwealth level, including constraining the use of the capability to specific purposes that are defined in a substantially similar way to the Queensland bill; the Brisbane

creation of an offence provision for the unauthorised disclosure or recording of information from the interoperability hub; reporting requirements on the use of the capability; a requirement for the responsible Commonwealth minister to consult with the Information Commissioner and the Human Rights Commissioner where there is an intention to expand the identity matching services by way of statutory instrument; and a mandatory five-year review of the capability.

In addition to the safeguards specific to this capability, Queensland Police Service staff are, of course, already subject to a rigorous statutory framework that governs the improper disclosure of information. Specifically, section 10(1) of the Police Service Administration Act, 'Improper disclosure of information', provides offences for the unlawful disclosure of information that has come to the officer's knowledge through the exercise or use of any power. Depending on the individual circumstances of the disclosure, the officer may also be dealt with for misconduct in relation to public office or computer hacking under the Criminal Code. An authorisation regime will be developed for QPS staff access to the capability. Access by authorised QPS staff will be auditable through the IT system and any access or disclosure breaches would be dealt with through internal discipline processes or criminal charges, if appropriate.

The PPRA and TPCA amendments for access to TMR digital photos: I would now like to address the amendments to the Police Powers and Responsibilities Act 2000 and the Transport Planning and Coordination Act 1994 that are designed to remove existing restrictions to QPS access to Transport and Main Roads digital photos. Currently, QPS officers have direct access to Transport and Main Roads digital photos for the enforcement of transport acts. However, if they are investigating a non-transport related offence, they must make an application for an access order under chapter 7 of the Police Powers and Responsibilities Act. The current position of the law means that QPS can access TMR digital photos directly if they are investigating a traffic offence, but must obtain the authority of a justice of the peace before they can access TMR digital photos for an offence such as terrorism, murder or robbery. The amendments in the bill will allow the QPS to access TMR digital images in circumstances where one of the permitted purposes exists.

The bill also contains amendments to the explosive offences in sections 407A and 540 of the Criminal Code. Section 470A makes it an offence to wilfully and unlawfully throw, leave down or otherwise deposit any explosive or noxious substance in any place whatsoever under circumstances where it may cause injury to any person or damage to property. The current maximum penalty associated with that offence is two years. The amendments increase the maximum penalty for this offence to seven years and also expand its scope to capture the manufacture or possession of explosives in circumstances that pose a risk of injury to a person or damage to property. Section 540 of the Criminal Code makes it an offence to make or knowingly possess an explosive substance with intent to commit a crime by using it or enabling its use by another person. That offence currently attracts a maximum penalty of three years imprisonment. The bill amends this offence section to increase the penalty to seven years imprisonment.

The threat from homemade explosives is an increasing one, which is borne out by the substantial growth in calls for service to the QPS Explosive Ordnance Response Team in recent years. These amendments ensure that the current offence provisions in the Criminal Code adequately address this threat and are reflective of the serious nature of this kind of offending.

I will now make some brief comments on the interface between the amendments contained in this bill and the security operation for the Commonwealth Games, known as Operation Sentinel. The operation will involve a workforce of around 3,700 deployed to secure the 18 competition and various non-competition venues. The image matching services in a large national project that is technically complex requires significant coordination between participating agencies, including the finalisation of participation agreements and associated privacy impact statements. For that reason, it is not anticipated that the full capability will be available for the Commonwealth Games. However, it is clearly the case that any technological capability that enables the rapid identification of people is of value in a security operation of the size and complexity of Operation Sentinel.

At this stage, contingent on the passage of this bill, at a minimum we will have access to the face verification service, which will allow the comparison of images with Commonwealth held visas and passport records. The QPS will also have direct access to DTMR digital photos for the permitted purposes defined in the bill. The legislative amendments contained in the bill provide the necessary framework for Queensland participation in the identity matching services. This new capability will be an important tool in reducing the prevalence of identity crime in Queensland and also in reducing the use of fake identities as a facilitator of serious criminal offending. It will also be an important tool for the Queensland Police Service in effectively and efficiently performing its functions in relation to criminal investigations, national security, and community and road safety.

I will now hand over to Mr David Ford to speak to the amendments to the Liquor Act 1992, after which I will be happy to take questions if that is your wish, Chair.

CHAIR: That is sensible. Mr Ford, you have the floor.

Mr Ford: Thanks, Mr Chair. My name is David Ford and I am the Deputy Director-General of Liquor, Gaming and Fair Trading within the Department of Justice and Attorney-General and also, relevantly to this, Commissioner for Liquor and Gaming in Queensland. The amendments that are before you really reflect the unique and significant event that the Commonwealth Games is in Queensland, with something like 6,600 athletes and 672,000 visitors expected to attend. With the majority of the games events held on the Gold Coast, it is anticipated that there will be an increased patronage of liquor licensed premises, particularly within the Broadbeach CBD and the Surfers Paradise CBD safe night precincts. The bill, therefore, contains regulatory changes to help enhance tourism and hospitality experiences for Commonwealth Games participants and attendees, without compromising the integrity of the harm minimisation objectives of the Liquor Act or the government's tackling alcohol-fuelled violence policy.

Specifically, the bill seeks to amend the Liquor Act to introduce a Commonwealth Games Extended Trading Hours Authority that will automatically allow for licensees of licensed premises in the Gold Coast safe night precincts to serve liquor for an additional hour beyond their current ordinary or permanently approved trading hours for each day of the Commonwealth Games period and to ensure that there are no additional application fees for extended or authorised trading hours in respect of the additional hour of trading under this games authority.

To clarify where a licensed premises is a regulated premises for ID scanning, the licensee will be required to continue scanning patron IDs during the additional hour of liquor trading. However, where a licensed premises is not a regulated premises, that is, they do not need to conduct ID scanning now, the licensee will not become required to scan IDs simply because of the additional hour of trading that they are getting out of this. This change does obviously increase the possibility of alcohol-fuelled violence simply by increasing the number of hours of trading. Therefore, there is a new power for the Commissioner for Liquor and Gaming, following a recommendation from the Police Commissioner or an assistant police commissioner, to issue a public safety restriction notice to the licensee to impose one or more of the following actions: to revoke a games authority, to vary the liquor hours trading for the licensee, to impose conditions on the licence or to suspend the licence. These restriction notices can only be issued in very circumscribed circumstances and can only apply for the duration of the games or a lesser period if determined by the commissioner. There is a potential breach of fundamental legislative principles in this, because these restriction notices have no right of appeal attached to them. However, given the constraints on the commissioner in issuing them and their very short-term nature, this is perceived as being a fair balance. Mr Chairman, that is all I have to say on the matter, but obviously I am happy to take questions.

CHAIR: Who wants to start?

Mr McDONALD: I have a couple of questions for Mr Ford and I have a couple of other questions, as well. With regards to extended liquor trading down the coast, obviously additional capacity needs to occur. How many licensed venues in Broadbeach and Surfers Paradise will be able to serve drinks until 4 am extended to 5 am?

Mr Ford: The answer to that might seem simple, but is not quite as simple as it might seem. To give you a bit of context, there are around 232 liquor licences in the two Gold Coast safe night precincts. At this stage, 185 of those can only trade until midnight, 47 of those have a permanent approval for post-midnight trading and 31 of those can serve liquor until 3 am. The additional hour of trading that is available to them would allow any one of the 232 to trade for an additional hour. For 185 of them, they still have to close by 1 am. The bulk of those are restaurants rather than hotels or bars. They can stay open only until 1 am.

Of the 31 who serve liquor until three, they obviously would be able to serve liquor until four. Beyond these changes, the Liquor Act currently provides for extended hours permits, which are a short operation activity. Any licensee within Queensland is entitled to apply for an extended hours permit and that can last until five am. They can apply for an event and the act is quite specific about the sorts of events and circumstances for which they can apply. The Commonwealth Games would meet those criteria.

The constraint on those is that, with the changes to the Liquor Act last year, the government moved from allowing people to have 12 of these extended hours permits a year to having six. So the most that anybody can apply for in a year is six. Some in the area have already used one of their six. A significant number used them, for instance, for Australia Day, or for New Year's Day. Normally you can have only one a month but, because of the nature of the Commonwealth Games, they could have

the whole five or six, depending on how many they have left, in that period. In theory, any one of them could trade until five six times, or five times, during the period of the Commonwealth Games. In practice, for most venues, particularly restaurants, they have no interest in doing that anyway.

The real answer to your question is that we will just have to wait and see who applies. If you are in the safe night precinct, you do not have to pay a fee for applying for the extended hours permit. If you are outside the precinct, you have to pay the normal fees, but the normal fee is only \$67.70 a day, so it is not a huge amount of money.

Ms McMILLAN: Could I ask Mr Ford a question? We are concerned about the number of people who exercise in those areas, particularly early in the morning. At that time of the year, it is still relatively light. What measures will the QPS have in place to ensure the safety of those people who exercise early in the morning?

Mr Ford: On QPS matters, I would defer to Commissioner Stewart, but I would have to say that, for anyone who applies for an extended hours permit—and, to be honest, most of the extended hours permits that we get are for relatively short periods—particularly for someone who is going through until five, we have the capacity to put conditions on those licences. Those conditions could relate to matters such as the provision of security, they could relate to noise—they could relate to a whole variety of things. We have the capacity to grant them a lesser period if we see a problem coming up. We will look at each of those applications on its merits at the time and, if necessary, we will put in place a set of conditions to ease the burden on the community as a whole.

Our expectation is not that we will get an enormous number of applications to trade until five; our expectation is that some venues, particularly on nights where games events finish late—and there are a couple of nights where they finish quite late—may want to trade on into the early hours of the morning, but we are not expecting that to be a major issue for us. Commissioner Stewart may want to add to that.

Commissioner Stewart: We were consulted in the lead-up to the development of the bill. We raised issues around the capacity of the QPS to manage the business-as-usual side of the Gold Coast, which includes the safe night precincts, should significant extensions be allowed. We think that the bill strikes a reasonable balance for the many tourists who are going to be on the coast and particularly many of the athletes themselves who, no doubt when they have finished their program, will want to enjoy the many great entertainment venues on the coast, but at the same time provide enough in terms of policing services so that there is still that separation between the day and the night-time economies, which you hinted at around that early morning process.

In the past, that was quite challenging but, so that the committee is fully informed, as part of our strategic planning for the games we have not taken officers from the Gold Coast to utilise them in terms of the games roster, if that makes adequate sense to you. On top of that, we have a ban on leave during the Commonwealth Games period and in the lead-up. That gives us about 16 per cent more capacity for the officers who are currently on the coast. We think we will have adequate to deal with the, I think, reasonably sensible arrangement that has come to pass after the consultation process and we will work with all of the stakeholders, particularly those licensed venues who will apply without doubt.

We will know about all of that in advance. We will have the ability to also talk to Liquor Gaming around any extra requirements on those permits. So we are quite comfortable that we will have sufficient resources to deal with it.

Mr Ford: If I could just add two things? One is that it is a requirement for the approval process for those extended hours permits that we consult with police and their views are very much predominant in the decision that the commissioner makes. The second thing is that the areas that are most likely to be affected are the two safe night precincts. The safe night precincts, by their very nature, have boards that comprise all of the licensees in the area. They are also supported by us and they are supported by the local police, particularly their liquor enforcement officers. We will be working with those safe night precincts to ensure that they have in place the necessary circumstances that provide for community safety.

Ms McMILLAN: Thanks.

CHAIR: If there is a problem at a venue, can the most senior officer on the ground close those premises?

Commissioner Stewart: There is the ability to work with management around that. Obviously, that is quite a significant issue, but the authority of the police officers there is no different during the Commonwealth Games from what it is in other circumstances. We have a great relationship with the venues. That is a very important part of how we police the safe night precincts right across the state. So one would hope that we do not have to get to that situation.

CHAIR: But that power exists anyway and would be exercised if it had to be?

Commissioner Stewart: Absolutely.

CHAIR: In terms of the six licences, the games goes for nine days, but it does not affect their capacity to apply for whatever licences they have next after the Commonwealth Games finishes?

Mr Ford: Indeed it does. If they use their six for the Commonwealth games, that is their six for 2018. I think you will find that venues will be asking, 'What else do we have coming up in the year that we would like to save some extended hours permits for?' Particularly later in the year in the run-up to Christmas and things like that, there are often a lot of events. There are a lot of sporting events, particularly overseas ones, where pubs like to stay open until early in the morning to provide the service for people who want to watch that game and then go on after that. So I would be surprised if very many of them want to use up their whole six for the year in that one fortnight.

CHAIR: Are there any other questions?

Ms McMAHON: I have no questions in relation to Liquor Act amendments.

CHAIR: Or on other parts of the bill?

Mr McDONALD: I have. Commissioner Stewart, thank you for your presentation. With regard to the national capability that I understand was entered into on 5 October 2017—and I know you touched on this in our presentation—what capability do other states have in terms of these biometrics being shared with the home office? Obviously, we are relying on new data with people coming in and their passports. That is a benefit, but how far away are we from having the ability to examine all of the Queensland Transport licences and passports?

Commissioner Stewart: Thank you for your question. If I am interpreting this right, as I understand it—and my two advisers here will tell me if I get this wrong—once this bill goes through, we will have the capability of searching against the DTMR holdings.

Mr Ross: That is almost correct. At the moment, the current capability lies with the Commonwealth. Passport imagery, citizenship data, immigration photos and the like already operate for Commonwealth agencies. For transport licences to be input into the system, that requires a lot of quality checking and testing to occur. That will happen not immediately after the bill but during the course of this year and our colleagues from Transport will be able to tell us what the plans are for that.

The immediate effect of the bill, once it is assented to, will give us the legislative authority to interact with what the Commonwealth currently has. Those images collectively provide for about 55 per cent of the adult population of Australia. That is a sizeable number of people. When all the driver's licences are on board at the end of the system, that will increase to about 80 per cent plus of the adult population of Australia, which will enable us to compare images against the records that we have. It is quite an incremental process.

The technological solution will be available to be actioned from 1 April. That will give us the in to the technology—assuming that the bill is passed and assented, we finalise participation agreements, take care of privacy and impact assessments, the access policies and a raft of other agreements that need to occur to facilitate the whole package. Certainly, the bill is a key component of that and, until that is finalised, we cannot really progress with the rest.

CHAIR: So the passing of the legislation is step 1.

Mr Ross: The important thing that the commissioner was alluding to is, once the bill is passed, it will enable us to use driver's licence imagery that we currently have for a different purpose. At the moment, we can use it only for traffic enforcement and we will be able to use it for what he said.

Commissioner Stewart: Just so that we clarify this for you and get it absolutely right, my answer was in relation to Queensland driver's licences, because that is the capability that we have once the bill is passed—if you agree to that. That will give us the ability to access the Queensland driver's licence system for the purposes as set out in the bill. That is new. The only way we get that is because of the bill passing. Andrew, I hope, was talking about all driver's licences.

Mr Ross: The actual matching platform instead of what we have at the moment.

Commissioner Stewart: Yes, and this is across Australia.

Mr Ross: That is right.

Commissioner Stewart: There is a lot more work to be done with that. To answer the other part of your question, it is my understanding that we are first on this. The reason we are first is that the Commonwealth recognised that we had the Commonwealth Games coming up and that it would be prudent to try to provide this service to us, even in a limited capacity, by the Commonwealth Games. What Andrew said was completely right about access to the Commonwealth holdings. Again, the bill

enables that for us and, basically, we are ready to go with that part of it, but it also gives us access for the purposes set out in the bill to our own images. Gradually, over time, as the other states come on board, we will get access to all of the driver's licence records across Australia.

Where that is important—and I mentioned it in my opening statement—is that we know that there are those who, for whatever purpose, may have a driver's licence in Queensland and also may have one in another state or states under different names. That is a real threat to the safety and security of road users and for what other purposes they are using them, which could be criminally based.

Mr McDONALD: Thank you. I appreciate the answer. That gives me clarification. Obviously, there have been a lot of technological advances in biometrics, but I was picturing that the home office was receiving information all the way along and then we were going to get an agreement to get to that, but that is not the case? We are building that capacity?

Commissioner Stewart: No, it is not. In fact, this is very similar to other systems that we have where the jurisdictions, including the federal government agencies, are involved. We send a query into the system. The system is simply a program that sits in Canberra, or in a federal government agency. The system then sends a message out to the other users and providers of information. If they have that information, that information is then provided. It never sits on a database anywhere other than the database that it is currently on. Queensland information—DTMR records, our records—sits on our databases here in Queensland. They never leave that in terms of going and becoming this massive database somewhere else. It does not work like that.

Mr McDONALD: That advantage of access and comparison between Queensland and other states' drivers' licences will be a big benefit.

Commissioner Stewart: Absolutely. I do not want to put a fine point on this, but I would suggest that if you went down to King George Square right now and you asked the first hundred adults that came past do we have this sort of capability in Queensland right now I can guarantee that probably 90 per cent of those people would say, 'Of course you do. Of course it is here.' They see it on the movies and they hear stories where we have identified someone off a CCTV. What they do not understand is that most of that is manual checking or using evidence from witnesses who do know those people. It is a very, very important piece of legislation. It gives us a much greater ability to keep Queensland safe.

Mrs McMAHON: Good afternoon and thank you, Commissioner, for attending. I do have a couple of questions I want to go through. I acknowledge the member for Lockyer's question, which was one of the questions I had, about the timeline of other states, but that is obviously not going to be relevant, certainly in time for the Commonwealth Games, and is obviously something that you necessarily cannot answer on behalf of the other states. The first question I had was in relation to the types of information that will be able to be accessed through this legislation. I note it includes driver licence images, such as the ones that we hold through the Department of Transport and Main Roads, passport and visa information and it also refers to other government held images. What other types of government held images will this legislation enable law enforcement agencies to access?

Commissioner Stewart: I thank the member for her question. It is a very good one. We may have to go to the legal expert in Senior Sergeant Wilson on this one.

Snr Sgt Wilson: What we are talking about there is other types of government identification, things like the 18+ card, marine licences, that kind of thing, that are held by Queensland Transport. In terms of the Queensland input of images, we are talking about images held by Queensland Transport, the licences that they administer under their legislation.

Mrs McMAHON: I potentially wanted to clarify that the Queensland Police Service holds a vast amount of imagery.

Snr Sgt Wilson: Our involvement in it is as a user of the service rather than a provider of images.

Mr Ross: I can clarify that a little more. Part of all those agreements that I spoke about includes interagency data sharing agreements and they specify which holdings are in the system and which are out. The QPS is not providing an awful lot of information into the system, we are more a user of it. Plus we already have sharing arrangements with other police agencies which operate outside of this particular technology.

Mrs McMAHON: The next question I had was in relation to the face identification service. I note the face verification service as you pointed out was where we have someone who provides a name and that we verify and check that. The question I have in relation to the face identification service is where we have someone who either refuses to provide a name or is unable to provide a name, is this search basically going to be against all held available images nationwide until we find someone? So we could, theoretically, once the service is up and running, be checking against millions?

Commissioner Stewart: Thank you again and that is a very, very good question. You are right in your understanding of the legislation. This is the one-to-many verification. It is my understanding that where we have an unknown we will ask the system to do a one-to-many search. This could be a police officer on the side of the road or at the scene of a tragic accident or a crime where they have a photo of the person, they can upload that and search one to many. The system will be designed to bring back the closest matches to the facial recognition that the officers have at their disposal at the time—in other words, the photo that they have taken or the photo that they have.

I think it should be pointed out to the committee that this is a first step in an investigative process. It will not be only on the basis of the one-to-many search. If it brings back, say, three possibles, that will be the first step. Then there will have to be normal investigative processes to try to accurately determine if that person has been correctly identified by that matching service. Is there anything else that you want to say?

Mr Ross: To access the one-to-many you need to have one of the five permitted purposes. The law enforcement one is probably the one that will attract the most attention. To get into the law enforcement permitted purposes offence threshold, it must be an offence punishable by three years or more imprisonment. That is the lowest level. Anything above that, if that is what we are investigating, you can then put an image of somebody into the system that will return the top 20 matches on record and it does check against millions of images. That set of images will continue to grow as drivers' licences and other things come online so it will mature over time. There are stringent controls over who can do that. In police parlance, it is an intelligence function to be able to do that. It will not be available to any officer. It will be a narrow set of people and there will be authorities associated with whether they can exceed those queries. As the Commissioner points out, it just generates a probable match. It is not to evidentiary standard. It gives us an avenue of inquiry to then interrogate our other systems and build a picture before we act on it.

Mrs McMAHON: The final question I have is probably more in relation to the Department of Transport, noting that one of the prescribed purposes is in relation to road safety and verifying licence and disqualified drivers. I note the explanation was in relation to someone who might be applying for multiple driver's licences under multiple names. My question is will it be a standard practice that when someone applies for a licence within Queensland, for example, where there is no other existing licence, will there be an automatic match against already held licences to ensure that this is not a duplicate licence under a different name?

Mr Mahon: Thank you for the question. The answer is the intention is yes. That will take a little bit of time, of course, because it relies on other transport authorities across jurisdictions to have this technology as well. Not every transport jurisdiction in Australia has facial biometric technology. We are quite lucky in Queensland in that we probably have the Australian lead in our technology. Certainly, yes, as others come on board to the identity matching service and we have that participation agreement in place and finalised we would intend to look at other things. Right now we do already have checks in place around details, but not images through the national data exchange called NEVDIS. We check a person's name, date of birth et cetera. But as the Commissioner pointed out before, if you have a fake identity and you have created a new name or a new date of birth or something like that we will not be able to match that. This is the missing piece of that puzzle to ensure that there is one licence to one person across Australia eventually once all are on board.

Mrs McMAHON: Certainly within Queensland once this is assented and is operational it means that certainly within Queensland when someone applies for a Queensland driver's licence we will be checking biometrically against other Queensland held licences.

Mr Mahon: We already do that. We already have a process in place and a team that is dedicated to managing that service and have done since 2010. Right now in Queensland if you apply for a Queensland driver licence and I go in as Andrew Mahon with a different name and they take my photo there is no way I will get a second licence. The image will come up. It is a very good system. Similar to what the Commissioner mentioned before, it brings up around six of the closest matches if I do not have a product. If I do have a product in Queensland it will match against the product I already have.

Mrs McMAHON: If it has been in place since 2010, do you have any data on how often this instance occurs within the Department of Transport where you find people applying for drivers' licences?

Mr Mahon: Unfortunately I do not have that data at the moment. I could probably take that on notice and get that information back to the committee if that is useful.

Mrs McMAHON: Thank you. I have no further questions.

CHAIR: James Lister and Steve Andrew, do you have any questions for the panel?

Mr ANDREW: That has pretty much covered it for me. There was a lot that was very relevant that I was going to ask and that has pretty much covered it.

CHAIR: James?

Mr LISTER: No, no questions from me, but thank you for your attendance, gentlemen.

CHAIR: If there is nothing further to add, we have run out of questions. It is a little bit earlier than anticipated. Thank you for the information you have provided today. Thank you to our Hansard reporters. A transcript of these proceedings will be available on the committee's parliamentary web page in due course. In relation to the one question that was taken on notice, we have a pretty tight timeline, but if you could provide that to the secretariat by midday on Friday, 23 February so that we can include that in our deliberations.

I declare this briefing for the committee's inquiry into the Police and Other Legislation (Identity and Biometric Capability) Amendment Bill 2018 closed.

The committee adjourned at 4.26 pm.