



## FRIDAY, 14 MARCH 2008

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### Committee met at 9.01 am

**CHAIR:** Good morning, ladies and gentlemen. Thank you for being here so early. I call this public hearing of the Travelsafe Committee to order. I respectfully acknowledge the traditional owners of the land upon which this event is taking place and the custodians of the sacred lands of our state.

My name is Jim Pearce. I am the member for Fitzroy and Chair of the Travelsafe Committee. The committee conducts this hearing pursuant to the resolution of the Legislative Assembly of 11 October 2006 that appointed the committee. This resolution requires the committee to inquire into and report on all aspects of road safety and public transport in Queensland. Today's hearing is part of our inquiry into automatic number plate recognition technology.

I would like to introduce the other members of the committee here today: Mr Chris Foley, deputy chair of the committee and member for Maryborough; Mr Glen Elmes, member for Noosa; Ms Lillian van Litsenburg, member for Redcliffe; Mr Ted Malone, member for Mirani; and Mrs Desley Scott, member for Woodridge. Phil Reeves, the member for Mansfield, will be joining us later this morning.

The proceedings here today are lawful proceedings of the parliament and are subject to the Legislative Assembly's standing rules and orders. The committee will not require witnesses to take an oath or affirmation; however, we expect that they will respect the proceedings. The recording of today's proceedings, except by Hansard, is not permitted. It is our intention to keep to the times on the hearing program. We will finish at three o'clock, if not before. Please note that members of the public who wish to make verbal submissions to the committee may do so from 1.55 pm. We have a lot to get through today. We ask all witnesses to be brief and frank with their answers to questions. If you take questions on notice, we ask that you provide those answers by Friday, 28 March.

### **WATSON, Dr Barry Craig, Associate Professor, Centre for Accident Research and Road Safety—Queensland**

**CHAIR:** Our first witness this morning is Dr Barry Watson from CARRS-Q. I welcome you here today, Barry. Thanks for coming along. You are always very helpful to us and we appreciate that. Witnesses should have been provided with the guidelines for witnesses appearing before parliamentary committees adopted by the Legislative Assembly which the committee is bound to follow. Have you read these guidelines?

**Dr Watson:** Yes.

**CHAIR:** The *Hansard* will note that the witness has read the guidelines. Travelsafe has had a number of recommendations aimed at making it harder for drivers and motorbike riders to drive illegally on the road undetected—for example, compulsory carriage of licence requirements and having police routinely check licences during random breath testing. Barry, you have studied the unlicensed driving problem for many years. Can you give us a proper definition of 'unlicensed' and an idea of the significance for the road toll in Queensland of unlicensed drivers and riders?

**Dr Watson:** In my research I have used the term 'unlicensed driving' to cover when anyone drives with an invalid licence which includes: people who have lost their licence through a court action, typically for drink driving; people who have been suspended from driving for things like the accumulation of demerit points; those who are driving outside special restrictions placed on their licence—for example, they may have what is referred to as a work related licence for drink driving but are driving at a time when they should not be; those who are driving with an expired licence; and, finally, those who have never been licensed at all, so people who have never actually gone through the licensing system. Whilst it is one term, we need to bear in mind that it is really made up of a range of behaviours. They go from what I would call the more deviant behaviours—particularly driving when you have never been licensed and disqualified driving—through to those which are perhaps of a more administrative nature.

There is concern in the road safety community about unlicensed driving. Whilst it is not a causal factor—like speeding or drink driving—the concern is that, first of all, it undermines the licensing system. If people drive without a valid licence, it means that we cannot apply things like demerit points and then, in a sense, manage people's behaviour on the road. It also undermines the deterrent effect of licence loss for things like drink driving. If people believe that they can drive unlicensed, they will not be concerned about losing their licence for drink driving. That is the first concern.

The second concern is that we know that there is a small but significant proportion of the road toll who are unlicensed. For example, in Queensland, I have looked at the data particularly for a period from about 1995 to 2004. What I found is that, if you look at fatal crashes, of all the drivers and riders involved in fatal crashes during that 10-year period, between about six and 10 per cent were unlicensed on the road for those various reasons. In other crash types, the percentage is not as high. That reflects the fact that unlicensed driving appears to be associated with more risk-taking and therefore the crashes that

unlicensed drivers are involved in tend to be more severe. In fact, some research I have done using the Queensland crash data indicated that unlicensed drivers were about three times more likely to be involved in a crash than a licensed driver and that in the event of that crash occurring it was twice as likely to involve a death or a hospitalisation. So it appears to be associated with both an increase in crashing and also an increase in the severity of the crash.

Having said all that, though, not all unlicensed drivers are the same and the research I have done does suggest that the more deviant end of the spectrum—the disqualified and the never licensed drivers, and also by the way those who have lost their licence for drink driving, served a disqualification period but failed to go back and get their licence renewed—do appear to be more deviant. In some research I did where I interviewed unlicensed drivers as they came out of the Brisbane Magistrates Court, these people were more likely to admit that they did drink and drive when they were driving around unlicensed, were more likely to admit having a prior criminal offence and were more likely to admit a range of other risky behaviours. So whilst unlicensed drivers are a concern in general, our particular concern is what I would call the more hard-core, deviant group who in many cases often are repeat offenders.

**CHAIR:** I have a couple of subsequent questions. This will be pretty hard to determine, but how many lives might be saved in Queensland if there were no unlicensed driving or riding?

**Dr Watson:** It is a difficult question to answer. What we need to bear in mind is that some of these people are obviously risk-takers and that simply making them have their licence may not necessarily in itself make them drive any safer.

I think there are a variety of ways in which the road toll and road safety in general would be improved. Firstly, if you can get the really hard-core offenders off the road, that is good because they have that higher crash risk. The other thing though is that if you make sure the people who are never licensed participate in the licensing system then they will be exposed to things like graduated licensing. The other thing of course is that the fewer people who are driving unlicensed the more likely that things like licence loss for drink driving is going to be seen as a deterrent in the community and therefore may have that spin-off effect for other behaviours. So it is a difficult estimate. At this point in time, I could not give you a particular number, but as I said before unlicensed drivers do represent approximately six to 10 per cent of those drivers and motorcycle riders who at the moment are involved in fatal crashes.

**CHAIR:** Is there any specific group that stands out more than the others—socioeconomic?

**Dr Watson:** One particularly high-risk group is the unlicensed motorcycle riders. In fact, at all levels of crash severity, the unlicensed riders tend to represent a higher proportion of the riders involved in crashes than is the case for unlicensed drivers. So the earlier data I mentioned was unlicensed drivers as a whole. The unlicensed riders within them is a particular risk group. That group appears to be characterised particularly by young men, often riding a motorcycle when they do not actually have a motorcycle licence but may have a car licence. So that is a particular risk group.

The other group is the recidivist drink drivers—so those who have initially had their licence disqualified for drink driving or were caught later for drink driving. We know from other research that that particular group is a high-risk group. In my research, when I looked at the crash risk of the different groups, as I mentioned before, overall unlicensed drivers were about three times more likely to be involved in crashes. The subgroups, though, that were most likely to be involved in crashes were the disqualified drivers and the never licensed drivers. Those particular groups would be the ones that I would highlight as the highest risk.

**CHAIR:** Do you think that Queensland Transport and the police are doing enough to deter would-be unlicensed drivers and riders?

**Dr Watson:** Within their current means available, I would say yes but I think there are some other initiatives that need to be considered. By way of prefacing that, in one of the studies I did recently I actually looked at the level of unlicensed driving in crashes over that 10-year period. What I found interesting was that the proportion of drivers and motorcycle riders who were involved in crashes and who were unlicensed remained fairly flat over that 10-year period. That suggests to me that, while there are a lot of countermeasures that have been implemented and a lot of good things happening, they have not differentially affected unlicensed drivers. In other words, whatever is happening in the general system, unlicensed drivers seem to be just humming along at that same rate.

It is a bit different for unlicensed motorcycle riders. In fact, unlicensed motorcycle riders have been coming down over that 10-year period. While they are still more of a problem than car drivers, their rate has been coming down. We can speculate as to what the reason may be, but I think one of the reasons is that as more people have started motorcycle riding, in a sense that group has become much more diverse. There are a lot more particularly returning riders and in a sense, dare I say it, more responsible riders so that overall the mix of riders has changed over time. I think that has contributed to it.

If you look at drivers and motorcycle riders together, the rate of involvement of this group in crashes appears fairly flat over that 10-year period. So I would certainly be suggesting that we do need to look at other ways of detecting and deterring unlicensed driving. You mentioned some before. I think the introduction of the compulsory carriage of licence is an important feature. We have it for all drivers but open licence holders have 48 hours to present a licence to the police station. One of the problems that

raises then is that it makes it difficult for the police to routinely check licences in an efficient manner, because if an open licence holder does not have their licence on them the police then have to make arrangements for that person to present it at a police station.

In New South Wales they do have compulsory carriage of licence. I am not sure how regularly they are doing it now, but certainly in the past they were routinely checking licences as part of RBT. As people were pulled over for RBT they were asked to display their licence. That does not happen in other states, including Queensland, because we do not have compulsory carriage of licence. I think introduction of compulsory carriage of licence would be an important step to enable the police to more routinely check licences, not only at RBT but possibly even consider other means of randomly checking licences.

**CHAIR:** What is your understanding as to why the government will not introduce the compulsory carriage of a licence?

**Dr Watson:** I must admit I am not sure. I know it has been recommended by a variety of individuals in the past. I believe it has been recommended by this group. One thing I know that is somewhat ironic is that studies have shown that a lot of Queenslanders believe that it is the law to carry your licence. I know the Australian Transport Safety Bureau, formerly the Federal Office of Road Safety, has done research looking at this issue. I can't off the top of my head remember the exact figure, but there are a lot of people who already think it is compulsory. I suspect if it was to be introduced obviously there would have to be a marketing campaign to explain it to people. Unfortunately, I am not in a position to speculate as to why it is not being introduced.

**CHAIR:** It was just a trick question. Do you think more intensive compliance checks on the road would reduce unlicensed driving?

**Dr Watson:** I think the key thing that we need to learn from something like random breath testing is that it is not only the intensity of licence checking but also the way it is done. The evidence from particularly programs like random breath testing is that you get the best deterrent effect when people are really uncertain about when they may be pulled over and tested—the old anywhere, anytime. In terms of licence checking, I think the critical thing to do would be to have a system which was sufficiently intense that people thought there was a reasonable likelihood of it occurring, but also they were unclear when and how it was going to occur in order to create that impression that at any point you could possibly be pulled over and have your licence checked.

**Mr FOLEY:** In CARRS-Q's submission it was recommended that further research be conducted to determine a best practice approach to the implementation of automatic number plate recognition technology to maximise its road safety benefits and whether ANPR acts as a general deterrent to illegal driving. Other submissions have recommended that research be conducted to determine whether ANPR does, in fact, have a positive road safety benefit. Could you please advise the committee what these studies would likely entail?

**Dr Watson:** The problem as I see it is that ANPR, particularly in Britain, has been used as both a general law enforcement tool and for road safety purposes. In our research we weren't able to uncover any specific studies that have tried to quantify its direct road safety benefits in terms of crash reductions. The challenge, therefore, is for us to figure out not only what its potential benefits could be but also what is the best way for it to be done. Certainly in our research it appeared there were two main ways that ANPR was being used. One was in a remote way where the cameras would pick up or flag the potential vehicles of interest and then there would be a behind-the-scenes process that would occur where those vehicles of interest would be checked with various databases and there would be follow-up action. To some degree that is a little bit akin to what now happens with speed cameras, with the difference though that with speed cameras it is only the speeding vehicles that are photographed. With ANPR used in a remote way it is all vehicles.

The other way that it is being used, particularly in Britain, is more with an intercept approach, where as the vehicles pass the technology takes a picture of the number plate and it is then quickly checked against databases and flagged which allows the police down the road to pull it over. I must admit that at this point in time, without other hard evidence to confirm which way is best, I can see more potential benefits for road safety in that in that, firstly, it would be more visible because you have the police on the roads; secondly, by pulling the people over there is more of an immediate salutary effect on driver behaviour; also there is a possibility right there and then to verify that the person who is of interest in the database is actually the person driving; and finally there is also the chance to identify other potential offences at the time, for example, things like not wearing a seatbelt. In effect, we have those two different approaches.

Certainly in terms of trialling, I think further trialling really needs to look at it and decide of those two approaches which one does produce the best road safety benefits and, in particular, learning from what we know from elsewhere in road safety, if this was to work, how we could maximise the benefits. Once again, coming back to something like random breath testing, which is in many ways one of our most successful general deterrence programs, it was highly visible, conducted quite intensively and also had a lot of publicity supporting it. I think that the trialling needs to be about a program of behaviour change: looking at how best can this change behaviour, not just looking at the feasibility of the technology. Because like a lot of things in road safety, a piece of technology in itself doesn't change behaviour, it is the program in which

it is embedded. People have often talked about RBT being about a communication tool. I think we need to be trialling to see what is the best way that ANPR could be used as a communication tool to change community behaviour.

**Mr FOLEY:** One of the abilities of ANPR is to detect stolen vehicles. Can you tell the committee what, if any, road safety benefit there is in reducing vehicle theft, boosting the recovery of stolen vehicles or deterring potential offenders?

**Dr Watson:** The direct benefits for road safety would be difficult to quantify, but certainly the research in the area of particularly recidivist drink-driving offenders and also the work I have done on unlicensed drivers does suggest that. There is an old maxim that people drive as they live. Some of these hard-core offenders on the road also typically have other criminal histories. There is always a chance that by picking up other illegal behaviour those people are also of a higher risk on the road. But I would have to say that is not a direct link and to some degree, once again, I think that is something that would need to be subject to evaluation. I know some of the evidence from Britain has been able to talk about how many, of the people they detected, different types of offences there are. In the end I think the successes, if this technology was applied, should be judged more on its general deterrent ability. So not just catching people but, for example in that case that you pose, would it act as a good deterrent to discourage people from either stealing vehicles in the first place or driving them, particularly in a risky way.

**CHAIR:** The fear of getting caught?

**Dr Watson:** Yes, exactly.

**Mrs SCOTT:** If you look at the latest smart technology in policing, are there alternatives to ANPR that the police could use to assist in their detection of illegal drivers and with these alternatives do they overcome problems that could be associated with the use of ANPR and provide greater road safety benefits?

**Dr Watson:** That is probably a question that in the end I would defer to the police in terms of the technology they have been looking at, but certainly in our submission we did, in effect, try to weigh up what differences, for example, there are between a speed camera program and the ANPR technology. One of the things I did mention was that in ANPR, at least in its remote mode, in some ways there are some similarities, except that in the case of speed cameras, particularly from a privacy point of view, it is only the speeding vehicles that get photographed whereas ANPR technology in remote mode has potential to collect lots of information which has real privacy implications.

The other thing that is appealing about speed cameras is that a photograph is taken of virtually every vehicle that is passing the camera that is speeding. Now, in that sense, as I understand it, prosecutions do not proceed against all drivers because there are sometimes technical difficulties, particularly if there is more than one vehicle in the photo. But with the ANPR technology the issue becomes one of efficiency; do you have the resources to follow up all the flagged vehicles. That is a concern I have in that in some of the studies we looked at—and this probably actually applies more in the intercept mode—the literature suggested that in some cases the ANPR technology was flagging so many vehicles that the police intercept teams were not able to pull over everyone. From the studies we looked at, some of the figures being mentioned were between only three and 10 per cent of the vehicles were being pulled over. Now, my concern about that is that that may actually mean that there are a lot of drivers who potentially could be passing by who, particularly if it was done in a highly visible mode, would have perhaps been thinking, 'I should have been pulled over but wasn't'. That is really what, in our research, we have been looking at as an issue called punishment avoidance.

There is some research that shows that particularly in cases where your chances of getting caught are fairly rare, the experience of breaking the law and getting away with it may have a much stronger effect on behaviour than the few occasions when you are caught. I have found evidence of this in the unlicensed driving research I did where I asked the people who came through the Brisbane court that I interviewed had they ever been pulled over by the police and not had their licence checked. Most of that occurred, by the way, at RBT for the reasons we have already discussed. But overall a third of my participants in the study, which is over 100 of them, reported that at some time when they were driving around unlicensed they had been pulled over and not had their licence checked. Whether that had happened ended up being a strong predictor, in my analyses, of how much unlicensed driving they did. That could be explained in a number of ways, but one explanation is that the more you do it and get away with it the more emboldened you are to do it.

Coming back to your question, there is other technology around. Certainly speed cameras offer the potential in certain areas of speeding. What ANPR technology offers, though, is the possibility to identify persons of interest based on an assumption about who is driving the vehicle. I am not aware of other technology that allows that at the moment. But there are undoubtedly a range of issues, particularly privacy concerns, that would need to be taken into account. This whole issue about efficiency and whether you can handle all the throughput is very critical. Over and above that, we already have a suite of effective road safety countermeasures and the whole issue about another one coming online is equally where do the resources come from to support that. A concern that I certainly raise is that you would not want resources being taken away from other effective countermeasures to run a program for which at this stage the full road safety benefits are not established.

**Mrs SCOTT:** The committee has been privy to the view that ANPR may deter other unlawful driving behaviours that it is not targeting, such as drink driving, due to the perceived increase of police presence on the roads. In your opinion could ANPR have secondary general deterrence benefits encouraging behaviours conducive to improved road safety?

**Dr Watson:** I think it could, but it does depend on the way it is done. To achieve that flow-on general deterrent effect, as I mentioned before I think some of the key implementation aspects would need to be high visibility, people need to be aware of it—so you would need supporting publicity—and it would also have to be efficient so that the people who are these other offenders are getting caught. To achieve good general deterrence you need to catch people in a rigorous way in the first place, but then create the impression that that can be done anywhere at any time. Based on what we know from other countermeasures, I believe a general deterrent effect could be achieved but it would depend on how it was done.

**Mr MALONE:** As someone who has studied our road toll for many years and who has both a practical and theoretical understanding of driver licensing and behaviour change, do you believe it is time for Queensland to introduce ANPR technology?

**Dr Watson:** At this stage I think it is a tool that needs to be further assessed. I think it is a tool that has good potential, particularly in terms of behaviours like unlicensed driving and unregistered driving, but I would have to say there is not yet substantive evidence of its road safety benefits. Having said that, with any countermeasure there is a point where there is a period of innovation required where you have to try something. That is why I would be suggesting an approach which involves trialling the technology to establish what its potential benefits are before full-blown implementation. If, for example, that trialling suggested that the benefits were not as easy to achieve, and a good example is if the trialling did suggest that it was difficult to efficiently catch all the vehicles being flagged, then you would have to question its overall effectiveness.

If a trial were done we would be in a better position to decide on this. If the evidence does not look that good then we move on to something else. If the evidence is encouraging then certainly one of the things that I would be suggesting is that we know from other areas of road safety that boots and all approaches—and we did that with random breath testing in parts of Australia and also speed cameras—have been shown to particularly achieve that initial general deterrent effect. My opinion at this stage would be that there is not enough evidence to warrant full-blown implementation at this stage, but certainly it is a promising tool that needs further research and evaluation.

**Mr MALONE:** In your submission you raise concerns about the ability to confirm the validity of a licence which could cause problems if ANPR is used to identify unlicensed driving. Do you believe that this problem will be rectified with Queensland's new smartcard licence?

**Dr Watson:** I must admit that I do not know enough about the details of the smartcard to answer that with certainty. The issue of validating licences has always been a problematic issue with unlicensed driving. Over the last decade the police in Queensland have made some real steps by utilising the technology in their vehicles. They are able in a live way to check with the databases. I think that is a real step forward. Inevitably, as I have already mentioned, the lack of compulsory carriage of licences is still a problem there.

One other problem that we come across in the literature with ANPR is the issue of number plate cloning. That is an issue that would have to be considered particularly in terms of its widespread use. It was a bit difficult in the literature to determine whether number plate cloning had arisen, particularly in Britain, as a response more to the way ANPR was being used in that country which is for a far wider range of criminal activity than if it were used primarily for road safety purposes.

**CHAIR:** Do you have anything else that you would like to add, Barry?

**Dr Watson:** I think I have covered it all.

**CHAIR:** You have done a good job.

**Dr Watson:** I have already touched on this but I will mention it again. In the survey of unlicensed driving that I did which involved surveying 309 offenders as they came out of the Brisbane Magistrate's Court, I did find that over one-third of them reported being in a situation where they probably should have been detected for unlicensed driving and were not. From memory, for 20 per cent of the total sample it happened at least twice.

By saying this I am not at all wanting to undermine the current efficiency of the police because I think they do a marvellous job in identifying unlicensed drivers. There is the issue that at the moment some offenders believe that if they drive in a way that does not attract attention to themselves they can evade detection for unlicensed driving. When I ask people what they thought their chances of getting caught for unlicensed driving were it was lower than it was for things like speeding and drink driving, which I do not think would surprise you.

I think we need to look at ways of improving our detection and therefore the deterrent of unlicensed driving. ANPR represents a potential means of doing that but there are different potential concerns about the way it is done and particularly in the remote mode. I know that people will raise concerns about privacy.

The last point is that if it were implemented we would have to make sure that people maintain confidence in our general approach to road safety. At the moment there is strong community support for random breath testing. Surveys typically show that well over 95 per cent of the community support random breath testing. In the case of speed cameras, whilst some people have concerns about them there is generally an acknowledgement that they are a road safety countermeasure.

It would be awful to see that strong support for our current approaches to road safety being undermined by people's perceptions that a technology is being introduced that does not protect their privacy. That is a challenge that would need to be kept in mind particularly in terms of the way it is done. If it were to be done it needs to not divert resources away from other countermeasures and maintain public confidence in the integrity of the system and the privacy of their records.

**Mr ELMES:** If you dealt with the privacy angle surely ANPR would be, in the public's mind, a better tool than speed cameras?

**Dr Watson:** There are some advantages with speed cameras. For example, when the ticket is sent out there is a photograph reproduced. A lot of steps have been taken to ensure the integrity of that. One of the things about ANPR technology is that if the privacy issues could be dealt with I think there is general support in the community for making sure that we target the high-risk, hard-core offenders and we get them off the road. If this was a technology that was mainly seen as a means of protecting the general community—and that is the way it was being used—then I think you could build good community support for it. Once again, I think it comes back to the way it is done.

**CHAIR:** Thanks, Barry. As always it has been good to have you. If there is anything that you think of later feel free to contact Rob and he will bring it to our attention. Thank you very much.

**Dr Watson:** Thank you for the opportunity to give evidence.

**TUCKER, Mr Joel Alexander, Research Advisor, Transport and Road Safety, Royal Automobile Club of Queensland**

**WIKMAN, Mr John Gerard, Executive Manager, Traffic and Safety, Royal Automobile Club of Queensland**

**CHAIR:** I welcome representatives from the RACQ. I thank you for your participation in our inquiry. Witnesses should have been provided with the guidelines for witnesses appearing before parliamentary committees, adopted by the Legislative Assembly, which the committee is bound to follow. Have the witnesses read these guidelines? The *Hansard* will note that the witnesses have read the guidelines.

**Mr Wikman:** Can we make an opening statement?

**CHAIR:** It would have to be fairly quick.

**Mr Wikman:** I basically wanted to set the scene from where RACQ came from for this hearing. On behalf of its 1.1 million members we made a submission back in January from the perspective of road safety. We are happy to answer more questions today. RACQ does support ANPR on the condition that it adds value to filling the gaps in existing enforcement methods for detecting unlicensed driving and unregistered or stolen vehicles which have traditionally been difficult to detect or may have otherwise gone undetected.

We favour the mobile ANPR devices in preference to fixed camera networks as they represent a more cost-effective, proactive detection tool resulting in more immediate intercept enforcement action. Should ANPR be introduced there should be an increase in the number of police officers offering high-visibility, on-road police presence on Queensland roads all year round. It is important that dedicated ANPR teams be provided with an accurate and up-to-date database of vehicle registration details. We hope that sets the scene from where we came from.

**CHAIR:** We have just a couple of broad questions to start with and then we will move to more specific ANPR questions. What traffic offences do you believe the enforcement regime should be targeting?

**Mr Wikman:** Not just ANPR?

**CHAIR:** Yes.

**Mr Wikman:** We have seen traditionally the problems with drink driving, drug driving, speeding and not wearing seatbelts. It is probably difficult to enforce for fatigue but if there is some way that we can monitor hours and prompt people to stop then that is good. One thing that is very difficult to detect but I believe should be brought into the road safety mix is distraction—that is, people not aware of what they are doing at the wheel. If there is some way that we can ever detect that it would be fantastic. I believe that that should be the fatal fifth that the government really should be looking at trying to address.

**CHAIR:** Are the existing compliances used by Queensland Police and Queensland Transport enough to discourage these types of behaviours you are talking about?

**Mr Wikman:** Yes, a range of things have been developed. We have a system of speed cameras—mobile and now a few fixed ones. RACQ has been a strong lobbyist for a more high profile, on-road police presence. That has a greater potential to detect and intercept potential offenders out there for a range of issues rather than just speed cameras detecting speeding. We believe there needs to be far more police on the roads to detect any kind of dangerous driving.

**Ms van LITSENBURG:** Being mindful of the negatives surrounding the existing camera enforcement, what lessons have we learnt for the deployment of ANPR technology?

**Mr Wikman:** At the moment our understanding is that the cameras that are used for, for instance, speeding have gone through a fairly rigid process of selection and on what criteria they are being deployed. For example, it could be crash history at a known site. The random scheduler does not go to one spot every day; it goes to different places every day. When it is detecting, it is actually set at a speed that is reasonable and people say if they are offending then it is their fault. Then it comes down to the technology—whether it is forward facing or rear facing and thus what it is picking up. An adjudication process has been set up once they have been detected and taken to the Traffic Camera Office. We have not had too many complaints from members about any privacy issues. I do not think we have.

**Ms van LITSENBURG:** Do you have any feedback from your sister bodies in other states where ANPR has been used, and has it created problems? Have motorists and the general public supported its use for road safety purposes?

**Mr Wikman:** I think that we received fairly limited information from the other clubs in Australia about ANPR.

**Mr Tucker:** We received limited information about point-to-point speed enforcement from the other clubs. My understanding is that optical character recognition programming forms a basis of the point-to-point enforcement in Victoria. As far as ANPR use for purposes other than point-to-point enforcement goes, we have not received any feedback from the other clubs. We did receive feedback from RACWA and RAASA about point-to-point enforcement and how they might approve it as far as high-risk locations go, especially in the case of RACWA. They saw value in it for mainly rural highways and high-speed roads.

**Mr ELMES:** ANPR has been used in Queensland in connection with the management of heavy vehicles using the Brisbane Urban Corridor. Is the RACQ aware of problems with that application?

**Mr Wikman:** To our knowledge, no. I think the cameras are installed by Main Roads and it is up to the police to carry on and progress any of those detections. We have not had any negative feedback from members.

**CHAIR:** So do you think what they are doing is effective?

**Mr Wikman:** Yes.

**Mr ELMES:** Your submission recommends that ANPR be used in conjunction with weigh-in-motion technology to detect and identify overweight heavy vehicles. Can you explain how this would work in practice and what road safety benefits you think might be provided by that?

**Mr Wikman:** A vehicle that is overloaded and overweight or overdimensioned is a concern for other road users as well as the vehicle itself, particularly in connection to any road damage that might occur as a result of that. We already are having problems with trying to keep up with the condition of our roads and how we might be able to improve their contribution to road safety, so we do not want to undermine that problem. Overweight heavy vehicles can also make them unstable and not perform as they were designed which could lead to a crash. So we are concerned about those issues.

**Mr Tucker:** Our understanding is that weigh-in-motion sensors are already used in a couple of locations in Queensland. We understand from overseas research from the UK—there was a pilot study conducted—that they found that ANPR used in combination with weigh-in-motion sensors improves the ability to detect vehicles of interest for issues like road safety as far as vehicle dimensions are concerned. That was the basis of that comment as far as supporting the use of that, bearing in mind that weigh in motion is already used.

**CHAIR:** In your submission you state—and you mentioned it in your opening statement—that the RACQ does not support the use of ANPR for point-to-point, and that is acknowledged by the committee. You also question the value of ANPR over conventional speed detection devices being used in Queensland. Can you explain your concerns with regard to that? At the same time, could you respond to our thoughts along the lines that if ANPR was to be introduced for point-to-point speed limit enforcement how could your concerns be allayed?

**Mr Wikman:** At the moment we believe that the way we detect speeding in Queensland by the speed camera program is quite open and transparent, and the RACQ has been actively involved in its development from the beginning, primarily about the selection of sites and how it then is deployed with that random scheduler. I guess at the moment we believe that there are a range of devices that are out there that can target speeding and we would be questioning the introduction of what we understand to be quite expensive technology to then try to detect the same types of things. So we understand that point-to-point operates by putting a camera on one part of the road and then at a distance down the other side and then basically measuring how long it takes and measuring an average speed over a distance.

I guess we would be questioning the road safety conditions or site selection criteria that that would be based on. If it is crash history, then why would it not have already been picked up in the existing speed camera program if it is legitimate? Then there are other forms of enforcement out there with the mobile patrol cars on the highways and LIDAR as well. So we believe that there is a range of devices that can detect speeding. Do we need yet another layer on the top? If it were to be introduced, then we would expect to be involved in the site selection criteria and very interested as to how these devices would be trying to plug any gaps that the existing devices do not cover.

**CHAIR:** One submitter to the inquiry raised concerns that ANPR may deter or 'chill' legitimate driving behaviour. We would be interested in hearing your opinion on this potential concern.

**Mr Wikman:** It is a bit of a different tack to what our submission actually talked about—that word 'chilling'. Our understanding was that it really was to deter probably illegal activity or potential offenders. So we had a bit of a problem with the question in that it says 'chill legitimate driving behaviour'. If we were to see it as being publicised as anywhere, any time detection of unregistered or unlicensed driving, then it really should not affect any person who is obeying the law. But with regard to any of those potential offenders out there who are testing their limits or whatever, then maybe it could be seen as a deterrent to their behaviour.

**CHAIR:** Do you think that should be the focus of any potential introduction of the system?

**Mr Wikman:** Definitely, yes. As we said in our opening statement, if there are additional police and it is publicised that they are out there to detect and intercept these types of behaviours based on accurate, up-to-date information, I think that is going to be a big benefit in adding value to what we are not picking up at the moment.

**CHAIR:** Has the RACQ done any work that could give us some idea how many unregistered and unsafe motor vehicles we might have on the road?

**Mr Wikman:** My only information is that we do a vehicle inspection service at RACQ and there are a number that come through as being called roadworthy when they are not really roadworthy, and that has been undertaken by a separate department. So I would probably have to take that question on notice if you wanted a certain percentage.

**CHAIR:** Yes, if you do not mind. When you say they come through as being passed as roadworthy somewhere else and you guys have a look at them and they may not be roadworthy—

**Mr Wikman:** For example, for change of ownership they are basically being checked and they are looking for faults in the vehicle. Some of them can be quite serious, but they have already been passed. So I guess that is some information that we have already brought to Queensland Transport's attention in the past.

**CHAIR:** We would be interested in those statistics if you can make them available to us.

**Mr FOLEY:** So you do report that back to the department—if you see that someone has issued a roadworthy certificate and it is rubbish?

**Mr Wikman:** I do not know whether it is actually done as an ongoing thing, but there was a study that was undertaken by our vehicle technology department and it has come up with some statistics about that.

**Mr Tucker:** But I do not think it is done in individual cases, either. I do not think they actually say 'this vehicle was'; I think it is 'this amount of vehicles were passed as roadworthy and were not actually'.

**Mr Wikman:** Yes. It was like a sample. It actually was just a study—a random sample.

**Mr ELMES:** Can I just go back to the statements you made about the point-to-point. I read somewhere or heard somewhere that a fixed speed camera is only a deterrent for about 600 metres after the car has passed the camera. You talked about point-to-point as being, if we are not careful, another layer on top of some of the existing things that we already have, like speed cameras and so forth. Could it not also take the place of some of those things? If you were doing point-to-point over, say, a 20-kilometre stretch of road, surely then you have a situation where it is sort of habit forming for people who are going through and knowing 'Well, I've passed that fixed speed camera. There's probably not another one on this stretch of the road for quite some time,' whereas with this sort of technology they never know and if they do they have to do it over a long period of time anyway so they are more likely to get into the situation where they just obey the speed limit pretty well at all times.

**Mr Tucker:** There was also a concern, however, raised about people gaming the system in that if they know there is a fixed camera between one point and another they may stop for a while or something like that after passing the first one and then travel at ridiculous speeds for the second part of their trip. So that was another concern about point-to-point enforcement that was raised in internal discussions in RACQ and one that was passed on to us while we were working on our submission. So I guess that is a counter to the other view that you could form a habit of sticking to the speed limit as well. A lot of people would try to do the right thing, but some people would try to do the wrong thing if they were thrill seekers.

**Ms van LITSENBURG:** Have you backed that view with places like in Europe where point-to-point is actually used quite globally?

**Mr Wikman:** Do we get that—

**Ms van LITSENBURG:** Have you talked with—

**Mr Tucker:** European clubs?

**Ms van LITSENBURG:** Yes.

**Mr Tucker:** No, not about this issue.

**Mr Wikman:** I guess it is a change of the philosophy of why we are enforcing speeding based on a crash history, too, and that is where RACQ has traditionally supported it. When you start taking it out over extensive lengths of highway and selling it to the public as, 'Well, this is a traditionally high-risk road for 50 kilometres,' I think that is going to be a bit of a difficult one to sell. If it is, RACQ would be suggesting that we look at the condition of the road itself to see if there are some improvements we could make to the road to benefit not just anybody who is speeding but anybody who actually makes an unexpected error and who might leave the road and hit a tree or whatever. We would say that to set up these things is quite expensive and we need to put it into the mix of other road safety inventions. One of those could be improving our roads.

**CHAIR:** If there are no further questions, thanks very much, John and Joel, for your input. If there is anything that you might think of at a later time, we would appreciate it if you could get in touch with Rob and let him know.

**Mr Wikman:** Okay. Thank you.

**CHAIR:** The next group of witnesses is from the Queensland Council for Civil Liberties and the Australian Privacy Foundation.

**CLARKE, Dr Roger Anthony, Chair, Australian Privacy Foundation**

**COPE, Mr Michael James, President, Queensland Council for Civil Liberties**

**CHAIR:** We will call the hearing to order. I welcome representatives from the Queensland Council for Civil Liberties and the Australian Privacy Foundation. Thank you, gentlemen, for being here today. You should have been provided with the guidelines for witnesses appearing before parliamentary committees adopted by the Legislative Assembly, which the committee is bound to follow. Have the witnesses read the guidelines?

**Mr Cope:** Yes.

**Dr Clarke:** Yes, I have.

**CHAIR:** Hansard, please note. Once again, thanks, gentlemen. We would like to begin with a precis of your submission. In a nutshell, why are you concerned about the privacy implications of ANPR used for traffic policing?

**Mr Cope:** In the expanded model where you have fixed cameras which are linked to a database and to a tracking system such as GPS, the result of that would be to create a vast database in which the movements of citizens, whether they have done something wrong or done something right, could be stored and tracked. In our view, the collection of such a vast database is a collection of personal information and, if a privacy act was provided in Queensland, it would be subject to the privacy act. It is a serious concern to us that the creation of this vast database represents a serious threat to privacy and individual liberty. It is really straight out of the Big Brother handbook.

We would accept—and it is referred to in my submission—a use of ANPR along the model best described in the Ontario privacy commissioner's report, which is a mobile system in which only relevant data is stored. In that case they were looking for stolen vehicles. So only data of stolen number plates was stored. It was stored in what appears to be an isolated database. The information was then taken by the police officer for investigations and subsequently within 72 hours the data was destroyed. That in our view complies with the fundamental requirements of the privacy principles, which is that data is collected for a relevant purpose, it is used only for that purpose and then subsequently, once that purpose is fulfilled, it is destroyed.

The vast proposals which you see set out, particularly in the proposals from CrimTrac, have enormous implications for individual liberty. Once you create these sorts of databases, as we have noted in our submission, inevitably people want to use them for an increasing number of purposes outside their original purpose. We also note that some of the submissions, particularly from the RACQ, suggest that the Toronto type model is more likely to be effective because it results in the real-time apprehension of offenders, or the possibility of real-time apprehension. Also, of course, there are significant issues raised about the cost of installing such a system. Certainly, in terms of, for example, the detection of speeding we would prefer to use the current, far less intrusive speed camera technology.

We obviously accept that public safety is an important issue, but that has to be balanced against the human rights issues and the civil liberties issues. This is particularly so in a state such as Queensland, where there is no privacy act and there is no privacy commissioner. So far as we are concerned, the internal IS standard that the Queensland government says that it adheres to is not worth the paper that it is written on, because it has no enforcement mechanism, it has no independent statutory body to adhere to.

Finally, if there is going to be this sort of system without a privacy act, then we would endorse the submission of the Victorian Privacy Commissioner that the legislation has to contain the detailed requirements that are set out at the end of that submission.

**Dr Clarke:** The Privacy Foundation is very much comprised of professionals, particularly legal professionals. Quite a few of us are consultants in electronic businesses and the like. Surprisingly, perhaps, we strongly support appropriate applications of technology, because we are in the business. The problem that arises is that many of the information technologies that have been developed in the 40 years that I have been in the industry are inherently privacy intrusive. So they badly need to be adapted in order to cope with privacy threats. Unfortunately, ANPR as it is practised around the world has not been adapted to cope with all of those privacy threats. There is an alternative, which I will mention in a moment, and which Michael has already indicated, or led into.

As it is currently practised, ANPR is simply a mass surveillance mechanism. It gathers vast quantities of data. That is actually in breach of all of the codes and all of the laws in those jurisdictions that have laws which require that data be collected for a specific purpose. Here we have numbers of cars passing a point—fixed or mobile or indeed two points if it is a point-to-point measure—on the off-chance that there may be some value in the data. It is 'probabilistic' that you are talking only about a small percentage—even a tiny percentage—of the vehicles actually passing the point where the data collection is actually relevant to the purpose. So it is actually in breach of OECD guidelines—but nobody can sue for that, of course—and it is in breach of the Commonwealth Privacy Act, the New South Wales privacy act and the Victorian privacy act—different names in different states. So from the outset, the data collection is a major problem.

Having collected that vast amount of data, some of it is obviously put to extremely good purposes, and they were well rehearsed this morning and the Privacy Foundation is very supportive of applications of the administration of licensing—vehicles and drivers—and the administration of the traffic laws. We are strongly supportive of those things. But it is where it escapes beyond that, and the word that is normally used for the kind of database that results is a honey pot, because there is so much data there and it is so attractive to so many different organisations that it gains additional uses. The concept of function creep is then the next buzz phrase that gets used because initially it is used within the organisation that has possession of the database, but that organisation has interrelationships with many other organisations and there is an inevitable creep. Also because it is a honey pot, it is very attractive to break into. History has shown that it is not actually possible, with all the will in the world, to have a fully secure database when the data inside it is attractive. There is plenty of evidence in state and federal jurisdictions in Australia and elsewhere showing that we like to be able to talk about really solid security for data but as a professional working in the security of data, I am sorry, it is not so. So there is going to be leakage. That is an unfortunate fact of life. So there is a cluster of concerns in that region.

A further issue is that ANPR is not as straightforward as might be imagined and as the media often portrays it. It is actually challenging to do and the data that results has an error rate associated with it. As your background paper indicated, that error rate in some circumstances can be very high. A 30 per cent mismatch is a major problem. If you know you failed to read that plate, okay, you let it go by; there is no secondary effect. There is the disappointment that the one that went by might have been somebody you wanted, but at least there is no harm being done to anybody else. But when you get readings which purport to be good readings and which are incorrect readings, you have major problems, because those false positives, as they are called, have ramifications for the people concerned. The vehicle is pulled up, which for many people is a very embarrassing thing—to be pulled up by a policeman and to try to explain something that you are not sure what. In these cases that we are talking about with legitimate people who are false positives, there is nothing to explain. They cannot understand why they have been pulled up—‘Have I done something, officer? What happened?’ The embarrassment alone can be of considerable concern for a lot of people. In other words, it is not the magic bullet that it can be portrayed to be.

Another factor is that it is utterly dependent on the quality of the databases. All of the UK data is horrendous material. It was mentioned quite politely by the first witness this morning about the lack of data coming out of the United Kingdom with all of their experience. One of the really striking things about the United Kingdom is that they have an absolutely awful motor vehicle registry arrangement. I have lived in the United Kingdom. For the last 30 years they have been unable to get their database in order. It is way out of date and it contains vast numbers of errors. My impression—not having lived in Queensland for 40 years now—is that you do not suffer from that kind of problem here. The quality of the data is nothing like as bad as that. But there are always errors and there is always a time lag between the posting of the payment, between the receipt of the payment and the updating of the payment. Those can cause considerable problems in a lot of circumstances. Unfortunately, it can also waste an awful lot of a policeman’s time. On reading between the lines of the United Kingdom reports, there has been a lot of wasting of policemen’s time in addition to some highly valuable targeting of policemen’s time in the United Kingdom—pulling up the right people for the right reasons. So there are a lot of challenges, a lot of infrastructure and the resource commitment I would have thought was absolutely crucial, and it was mentioned by both of the previous witnesses. If you are going to do it, you have really got to do it, otherwise its effect is low and there is a substantial negative impact as well.

The last couple of points are that there is an alternative architecture, or design, or philosophy that can be taken to ANPR. Unfortunately, there do not seem to be any equipment designers who are actually pushing it yet. That is where I believe we need to go. The short term I would use, if we want one for it, is black list in camera, meaning that the camera has a list of number plates that it is looking for, which may be drawn from multiple sources, of course, depending on what the objectives are. Clearly, motor vehicle registrations that are suspect, that are wanted by police, that have been reported stolen and are not yet reported as unstolen or found, there could be multiples of these lists. But that black list inside the camera, such that the only data that escapes from the camera is reported to wherever it is reported to, is a hit. If that approach is taken, if that technology is available, the Privacy Foundation would be writing you a letter—you would not bother inviting us—saying, ‘What a great idea. Please get on with it and please spread it to other states,’ because that clearly would have all of those benefits and would avoid all of these problems that arise with a mass surveillance technique gathering large quantities of data about many people’s movements.

The other couple of quick points in conclusion are that it is very important the further development of this be transparent. Having originally come from Queensland, but being out of the state for years, I am delighted to come back to Queensland for the first occasion on which a committee has seriously considered in public ANPR. It is the first occasion we have had an opportunity, as a privacy representative and advocacy organisation, to actually talk to people and say what we are concerned about. That transparency needs to continue. A privacy impact assessment, along with a cost-benefit assessment and, of course, the measures that the CARRS-Q gentleman was proposing were vital during the trial—the transparency of that is really important.

The last point I make is that I believe, with something as critical as this, with information technology that has such a far-reaching impact, it is important that the parliament expressly authorise and expressly 'disauthorise' things that the parliament does not intend to be done. Just leading into appropriate administrative process we do not believe is right in these circumstances. It needs parliament's stamp of approval.

**CHAIR:** That was very good, thanks. Michael, do you have anything else to add to that?

**Mr Cope:** No.

**CHAIR:** If I were to put you in a position of being responsible for actually introducing it, what would you do to protect the privacy of drivers and other people? That is one of my concerns.

**Dr Clarke:** I would make a couple of points. The first one is the storage of the black list in the camera so that there is no data escaping. The second is procedures when a vehicle is stopped for these purposes. Clearly the police already have procedures in relation to RBT and in relation to other circumstances in which they stop a vehicle. Those procedures need to be clear. They need to also tell the policemen quite clearly what they cannot do or what extra they can only do under very specific circumstances. Clearly I am thinking of vehicle search, I am thinking of passenger search, I am thinking of requests for passengers' driver's licences—all of those function creep kinds of things that were major concerns when RBT was introduced. There has been very, very little function creep in relation to RBT, and the reason for the enormously strong public support is not only that people believe it works but also that they have not seen it abused as many people feared it might have been, and that combination I think is crucial.

**CHAIR:** Good point. Michael?

**Mr Cope:** I do not know that I have a great deal to add. The model that Roger and I are both talking about is what he calls the black list camera model, which seems to be the model in Toronto. Picking up on what Roger said, I think you need to have clear legislative statements about this. It is not something that can be left to regulation or administrative determinations. The legislation has to set out quite clearly the system that is to be used, the information that is to be collected and how that information is to be used so that there are quite clear structural limits on what is done with this information. Those are the fundamental things that need to be done.

We would say on top of that—and we have been saying this in Queensland for years—that Queensland needs a privacy commissioner, which is outside the brief of this committee, I accept. But you need an independent statutory body that will supervise privacy in Queensland. If you are not going to have that, then the next best thing is to have specific criteria in the legislation. You probably need them both: you need a privacy commissioner but you also need specific criteria in the legislation dealing with this issue. Somebody needs to be out there to enforce compliance with those requirements. A privacy commissioner would also have an overall brief to monitor these issues and examine proposals to extend the use of the system. So we would say that this sort of development should not be taking place in the absence of proper privacy legislation. But, if it is going to be without that, the legislation that is introduced has to be quite detailed, quite specific and quite clear.

**Mr FOLEY:** Can you inform the committee why it is important that privacy protections are in place, including some examples of potential consequences of privacy breaches?

**Mr Cope:** I suppose a lot of times when you are discussing privacy the question is asked or the proposition is put forward: if you have nothing to fear, what are you worried about? If you have nothing to hide, you have nothing to fear. But many people do in fact have legitimate reasons for wanting to keep their privacy. For example, a person who is a victim of abuse and has escaped an abusive relationship may want to be kept hidden. As Roger has point out, you collect these databases and there is no absolute guarantee of security. If this data is stored on a system which enables such a person to be identified by their spouse then of course they are put at risk. But the sort of data that the mass surveillance system could produce would be a minefield for commercial uses. As Roger said, the honey-pot effect of people wanting to get into this system and extract the data for nefarious or other purposes is enormous. You just cannot protect it. Do you have some other examples?

**Dr Clarke:** Yes, there are many of them. There is a long history in privacy of the litany of problems that arise. The collection of data in the first place is always done in a context. The usual examples I use have nothing to do with ANPR. They are things like: are you married and how many children do you have? There are many different answers depending on what the meaning of 'spouse', 'married' and 'child' is. I have two children or I have no children because they are 27 and 24. The problem with all data collection is that certain assumptions are made when the data is collected. It goes into a database and it sits there, and then it gets pulled it out and people place interpretations upon it which often have very little to do with the origins of the data. When they start to mix and merge that data with data from other sources—the data-matching approaches—and comparisons are made, it looks like people are lying. They may have been telling the truth depending on the definitions and depending on when they answered the question. So as a generator of suspicion, large quantities of data lying around is not a good thing.

**Mr FOLEY:** Can you advise in your capacity as the chair of each of your organisations whether you are aware of any actual privacy breaches relating to ANPR data that has occurred in Australia or overseas?

**Dr Clarke:** There is no transparency in ANPR usage in Australia or elsewhere, so it is very hard to say.

**CHAIR:** Just to come in on the end of that, I am getting the message that there needs to be some sort of structure in place to ensure that there is regular cleansing of the information that may be collected in a period when police are out on the road doing this work.

**Mr Cope:** Certainly. It is the same sort of thing with fingerprints and all of that sort of stuff. If it does not produce anything then it should be deleted. There should be a reasonable time perhaps for it to produce something, but once the potential usefulness is gone it should be removed. Otherwise it will sit there to be used for some other purpose when somebody thinks of some bright idea for it.

**CHAIR:** So the only things that should be picked up are what you have been talking about—the black list.

**Mr Cope:** The only data that is collected, as Roger and I have said, is the data that is relevant to whatever it is that you are looking for. Once you have decided that you cannot use that data or you have used it for whatever the purpose is, it should be deleted.

**Mr FOLEY:** In our investigations we were given an example where placement of the vehicles at a particular time helped solve a capital crime where the person argued, 'No, we weren't there,' but that data capture was able to be used.

**Dr Clarke:** If we had a mass surveillance environment in which everybody's locations, in this case based on vehicles, was poured into a database and their locations five or 10 times a day were there and could be retrospectively analysed, there is absolutely no doubt that there would be occasions on which in that mass of data investigators found something useful. There is absolutely no doubt about it. So the argument from the privacy viewpoint is not that we should not want to do this. We fully understand why people want to have a mass surveillance. The problem is the impacts of that mass surveillance primarily in other areas and only a tiny proportion of it leads to major breakthroughs in crimes.

**Mr Cope:** Yes. If you had a perfect system which could catch criminals then the level of our liberties would be considerably reduced. In effect, what we do in our society is we have to make a decision about how far we are prepared to allow the state to go in terms of protecting us when one of the fundamental things about us, in our society at least, is our liberty. So effectively we do a deal at a point in time when we say that we are prepared to take a certain level of risk that certain criminal offences will occur and those people will not be caught because if we do not take that risk then we lose our basic rights and our basic liberties.

**Mr FOLEY:** It is question of whether the end justifies the means.

**Mr Cope:** To some extent, yes. We have effectively done a deal in a broader sense where we have decided that we are prepared to accept a certain level of risk.

**Mr REEVES:** Should number plates be considered as 'personal information' or information that relates to 'personal affairs' within the meaning of the Queensland Information Standard No. 42?

**Mr Cope:** I think absolutely. I note that the government's own submission accepts that. I do not think there is any doubt that a number plate is effectively a personal identifier. If you have a number plate, it is not too hard then to link it to a person. That is the basic concept of personal information: is it sufficient to enable you to identify a person by taking reasonable steps? Once you have that data there you have a number plate as effectively a form of identification. There is no doubt that in our view it falls within the definition of personal information. The federal Privacy Commissioner accepts that, the Victorian one does and the Toronto commissioner did. We have no doubt that it is personal information.

**Dr Clarke:** I cannot answer the question in terms of standard No. 42 because, although I have read it, I cannot remember what the definition is in Queensland. There has been substantial discussion of this both in legal contexts and in academic contexts around the world since the mid-1970s. There is no doubt that it is a question of the identifiability of a person. If a person can be as a matter of fact identified then it is personal data. It does not just mean, 'I only have a number and I have that database.' It is not just a number; it is anything that can be directly related to it. That is the key to a database even though it is personal data. So I do not think there is any doubt that the legal opinion around the world—I cannot speak for Queensland—is that it is personal data.

**Mr REEVES:** We have heard that ANPR can be used to detect the owner of a vehicle who is unlicensed. The committee recognises, however, that the driver of the vehicle is not necessarily the registered owner. What then do you believe are the implications of using ANPR to detect unlicensed drivers?

**Dr Clarke:** It is going to be really interesting to sit down and write the procedures for the policeman who stops the car because the procedure that the policeman uses has got to allow for the different possibilities. When you are out in an operational situation—I am not meaning just a policeman; there are operational situations of other kinds—it is a challenge to try to remember the specifics of the procedures that you are supposed to follow through. It is almost a series of trick questions so that you can establish who you are dealing with and whether they are the dangerous person who may be associated with that vehicle or who has no doubt driven that vehicle, so the policeman may himself be nervous. I cannot quickly sit here as a systems analyst and write that procedure off the top of my head and say, 'That is obvious.'

What you would have to do is this, this and this.’ It would take considerable care in the design and the training and then the exercise of that power by every single policeman who stops a vehicle. I am not saying for a moment that it is impossible, because policemen do these things, but it is hard to get right.

**Mr Cope:** I have tossed this around in my head. On the one hand, we would be opposed to the use of this technology to track parking tickets and so on. If you are going to use this technology, you have to use it for things that are important. On the other hand, I have read the material which seems to suggest that there is some connection between unlicensed driving and a substantial number of offences. My preliminary view is that if you had the sort of model that Roger and I are talking about, it might be justifiable. I probably would like to discuss that with the executive of the council. Certainly I can see arguments on both sides of that discussion, so I have not come to a final view. As I say, it is probably something that needs to be discussed.

**Mrs SCOTT:** The next question relates to freedom of information. Should individuals have access to data under FOI that relates to their registered vehicles? Could you discuss that a little?

**Dr Clarke:** I can speak from the broader issue of privacy law. Historically at the Commonwealth level, the FOI Act was passed in I think 1978, whereas the Privacy Act was not passed until after the debacle of the Australia Card in 1988. The original FOI Act at Commonwealth level gave a right of access by individuals to their own material. It was built into the FOI provisions even though FOI was really targeted at something a bit different from that. But from 1988 onwards that part was switched across to the privacy legislation. If you wish to gain access to data concerning yourself that is held by a government agency or indeed by the private sector, under Commonwealth legislation it is the Privacy Act you go to. We would recommend that as a general solution because it sits awkwardly in FOI legislation, which is really concerned with transparency of government operations rather than personal access.

Clearly, there is a very strong desire for access to personal data held about oneself, and the exceptions have got to be really strongly justified. With criminal intelligence systems, there is a strong public interest in it not being available to the individual, but it is item by item that that needs to be discussed and there has got to be a clear justification. So, without being quite clear on what the detail is you are digging into, generally we would anticipate that it should be the norm.

**Mr Cope:** You should have a right of access under the Freedom of Information Act because it will be personal information within the definition and the definition is basically the same, as I recall it. My concerns about that would be, if it is being set up as a vast, intelligence-gathering device, whether people would be refused access on one of those enforcement of criminal law grounds. We accept those are legitimate exceptions in the legislation, but we have already seen with Dr Haneef and various other sort of terrorism related issues that these sorts of arguments are being used to justify effectively if people have a right to a proper hearing. If, for example, you have got somebody who has been mismatched and if those sorts of grounds are going to be used to restrict their access to the information, that would be a significant concern.

**Mrs SCOTT:** Dr Clarke, in your submission, you mentioned the ‘chill’ factor and the possibility that ANPR may deter or chill legitimate driver behaviour. Could you contrast that chill factor with the deterrence effect on unlawful and unsafe behaviours?

**Dr Clarke:** Yes, the term ‘chilling effect’ has been used in literature that discusses privacy for about the last 40 years. I did not actually write that submission, but the person who wrote that submission wrote that presuming everybody would be familiar with the term. It is not used that much, but the gentleman from RACQ said the same thing. Deterrence is clear. Everybody is familiar with the function of that and the mechanism whereby it works. The chilling effect argument says it goes further than that, because there can be quite significant impacts across the whole of a person’s behaviour because of the context that they are in now.

For example, CCTV might be set up to look at people who are adjacent to ATMs. That is intended to have a direct deterrent effect on people holding other people up at ATMs. Everybody supports that—the APF, the CCL—because it is targeted specifically and we all know why it is being done. Move to the situation in the United Kingdom, where you can turn in a slow circle and see 15 cameras pointing criss-cross. That has moved well beyond deterrent effects, or alternatively it has become a multidimensional deterrent effect: ‘I don’t know what it is they don’t want me to do but I’m not going to do it.’ It is chilling in that sense. People’s behaviour changes.

In this particular context, we are not talking about the deterrence of unregistered drivers from driving on the roads. We are highly supportive of balanced measures that can achieve that. We are talking here about other people who for other reasons become concerned. There are two kinds. One is the quite general population effect. If we go back to Eastern Europe before the wall came down, the East German environment was such that people were afraid to do anything, really. They walked in trepidation because there were so many points of observation due to the mass surveillance environment. I experienced Czechoslovakia in 1980. I did not go into any of the other countries, but I had seen enough, read enough and experienced enough in seven days around Bratislava. It was horrible the way in which people would not behave. People would not speak in German in the street with me, even though they were clearly German speakers, and I do not speak Czech. That is one general thing. To the extent that we are moving towards or being tempted into this kind of surveillance society, that is horrible. It completely changes the whole notion of living in Australia.

But, more specifically, there are particular kinds of people who are at risk, or feel themselves to be at risk, who are much more affected by the knowledge of observation of movement. I am thinking here of the example given earlier of victims of domestic crime. That is a usual starting point. For a period of time, women who have been battered—and it usually is women, unfortunately—are very much in need of not having their location found. If they are in a position where they do not feel they can move around because there is a database that is being generated and they are always driving the same car because they cannot financially change cars right now, that is one such example.

But you move on to protected witnesses, investigators of various kinds and celebrities, including MPs. They are interesting people. People want to know where these people are going. In the past in the private sector, I have talked about the CEO and the marketing director who are organising that takeover arrangement or that merger. They are persons of considerable interest and they have all sorts of responsibilities in the stock exchange and to their shareholders. A lot of people do not want to be found and they do not want their movements monitored.

**Mrs SCOTT:** So it is an inhibiting factor?

**Dr Clarke:** It is an inhibiting factor. So that is the sense in which we were putting that forward. The persons at risk are what we particularly like to focus on.

**CHAIR:** We have two more questions but I am just looking at the time and asking you to be brief.

**Mrs SCOTT:** This question is directed towards another term you used, which is 'non-quantifiable disbenefits'. Could you inform the committee about these disbenefits and what they might include?

**Dr Clarke:** Yes. I had in mind function creep, as previously mentioned; the abuse of data; voyeurism; people who have access to the database having favourite celebrities that they like to follow, and that can of course facilitate stalking and turn nasty rather than just being voyeurism; false positives—that is, people who are grilled at the roadside and are very innocent and very embarrassed and do not have a clue what the conversation is about. It is those sorts of impacts. There are some other sorts of examples.

**Mr MALONE:** This question is on the retention of ANPR data. In the United Kingdom, the use of ANPR cameras is quite widespread, as you have said. Data obtained from these systems is retained for up to five years. During the five years, the data can be searched or 'mined' for policing purposes. This data includes registration numbers and date and GPS location of all vehicles that have passed the unit's camera, regardless of whether an infringement was detected. There is nothing like this in Australia so we are speaking hypothetically. Given the extent of our road network, do you think ANPR technology could become widespread here? What in your view are the implications for citizens should ANPR data be stored for later police use?

**Mr Cope:** I suppose in a sense it is all the issues that we have raised. If you are creating a mass database in which people's movements can be tracked over long periods of time—in the UK they are now storing the data for seven years—then essentially all the issues that we have raised come up. You have a database which can be mined not only for the initial purposes but extending in to other purposes. It can be broken into and data can be extracted for other purposes. As Roger has just explained, we have a grave concern that the whole process which we seem to be considering of creating a surveillance society will have a chilling effect across the whole range of social behaviour.

**Mr MALONE:** I think the point of the question probably is the extent of our road network. With the surveillance that is done in the UK and obviously the concentrated road networks, it is almost impossible to get away from it. But in Australia, or Queensland particularly—

**Mr Cope:** I presume that the answer you are trying to get at is that because of the vastness of the country it is probably going to reduce its effectiveness, unless you are going to spend more money on doing it. I have no doubt as a matter of common sense that is correct.

**Dr Clarke:** Yes, although there are a great many people travelling on urban roads that are going to be subject to it a lot if it is done with any intensity. I would add one more thing, though—that is, the impact of this on the image of police. I have lived in the United Kingdom. I actually carry a British passport because I was born there and I am back there once a year, generally. The attitude to police has changed from the days of the smiling London bobby. It is not the comfortable relationship that people used to have.

**Mrs SCOTT:** And the terrorism threat has not altered that?

**Dr Clarke:** The terrorism threat has been used as the justification for all of them, but it has justified some of the additional measures and I think people are happy with that. But it goes to the extent where you see a policeman and you start thinking, 'Have I got my speed right? Have I got my shoulders right? Have I got my elbows down off the sill?' The extent to which they are seen in the positive light that they used to be is really reduced. I think this mass surveillance framework is a part of that.

**CHAIR:** I want to finish with this question. It is really not a question; it is a scenario which I am thinking you guys might accept. If we were to go down the road of ANPR and focus on a specific purpose, like looking for unregistered motor vehicles, and then put in place through legislation the ability of the police officer—and this is where this function creep comes in there, this limitation on function creep—to ask if the driver was licensed and do other checks to see if there were any other outstanding warrants, is that the right sort of thinking?

**Dr Clarke:** It is certainly the right sort of thinking; it is whether it is sufficient is what we are thinking.

**Mr Cope:** Yes. It is certainly the right starting point—that is what I am getting at—because it is limiting to specific purposes. I have concerns about extending it, asking people about outstanding warrants and things. But, as I said, it is certainly going in the right direction.

**Mr ELMES:** But if you then cleanse the data, say, at the end of the shift or at the end of the day so information that you were not looking for was gone—

**Mr Cope:** That would certainly have to be part of it, yes. Once it is used, it is gone.

**Dr Clarke:** It is not collected or it is expunged in the very short term.

**Mr Cope:** That is right.

**CHAIR:** It has been very, very interesting and I thank you for your input but that is all we have time for. If you think of anything else, please feel free to contact us. It would be great to hear from you.

**BOOY, Mr Darren John, ANPR Programme Manager, CrimTrac**

**McDEVITT, Mr Ben, CEO, CrimTrac**

**MORONEY, Mr Ken, Chair, CrimTrac Steering Committee**

**CHAIR:** I welcome representatives from CrimTrac and thank you for being here today. Witnesses should have been provided with the guidelines for witnesses appearing before parliamentary committees adopted by the Legislative Assembly which the committee is bound to follow. Have any of the witnesses not read these guidelines?

**Mr McDevitt:** No.

**CHAIR:** Would Hansard please note that the witnesses have read the guidelines. Do you have any opening comments?

**Mr McDevitt:** Firstly, can I say that we appreciate the opportunity to be able to appear before the committee today and give you some insight, I guess, as to what we are doing nationally in terms of ANPR and specifically the ANPR scoping study.

Just as an aside, as we were walking up to this building we noticed some signs that said that this building and its precincts are under 24-hour CCTV surveillance. I am sure everybody came into the building today quite comfortable in that knowledge. I think it is really about balance. That is a key aspect of what we are looking at with the national ANPR scoping study: the privacy needs for the individual balanced with the broader need for community safety and so on. It is exactly the same with ANPR. The technology itself is tried and proven. The case for its adoption is quite compelling, there is no doubt about that, in terms of crime prevention, crime detection and crime reduction.

What CrimTrac is doing at the moment is looking at this technology I guess through three different operating spheres. One of those is the subject matter that is before this committee at the moment and that is specifically about road safety and traffic enforcement. The other two spheres that we are looking at is technology in terms of broader crime prevention and detection and beyond that national security operations. I have to say that the scoping study is looking very, very broadly at all of the issues associated with each of those three spheres. It may well be that there will be a different set of operating procedures in relation to each of those spheres in terms of how long the data can be kept for, who can see the data, how will it be destroyed and when and so on.

I think it is probably important for the committee to know that as this scoping study progresses there will be a lot more attention on the rules, or the operating framework in each of those spheres of activity. The last parliamentary committee we appeared before in relation to automatic number plate recognition was the Parliamentary Joint Committee into the Australian Crime Commission, which was looking at serious and organised crime across the country and, in particular, movement of criminals across borders and so on. That committee tabled its report in parliament in September of last year. There was unanimous agreement with the 22 recommendations. Recommendation No. 19 of that committee was that the Commonwealth, state and territory governments implement a national number plate recognition system. The committee was very, very conscious of the fact that we are doing a scoping exercise at this point in time. The scoping exercise is reporting through several bodies to police ministers—Australasian police ministers—and simultaneously to roads ministers around the country.

A very important element of this is a privacy impact assessment of the technology. At the same time we will be looking at the technology itself, communication methodologies, storage, all of those sorts of things, and specific uses for each of those spheres for the information that is gleaned through such a system. I am happy to take any questions.

**CHAIR:** Some of the stuff that you have already explained to us may be covered in more specific questions. I hope you do not mind that.

**Mr MALONE:** Your submission states that all vehicles passing through a fixed, redeployable or mobile ANPR camera will have the data recorded and available for interrogation by authorised users. What are the implications of retaining data on individuals who have not been suspected of or identified as having

committed an offence? For example, CrimTrac's proposed national ANPR strategy includes the retention of data about all vehicles that pass through an ANPR unit. However, other data retained by CrimTrac, such as national DNA, fingerprint and child offender databases, seems to be limited to offenders and suspects.

**Mr McDevitt:** It is a very good question. We have not yet determined exactly the extent to which we would capture all data. It may well be that we only capture hot list data. Again the rules, for example, may vary depending on what sphere you are operating in. For example, and without making any commitments at all, you may have ANPR capability established around critical infrastructure. In that case the data of all vehicles crossing may well be kept. In another sphere of activity, for example the criminal investigation sphere, you may well have a hot list of all stolen vehicles and that would be retained and it would just be a trigger, if you like, to raise a flag when a stolen vehicle crossed a given point. In the road safety sphere you may have, for example, an upload of all vehicles which have expired registration. We know that unregistered vehicles tend to also be unroadworthy vehicles and obviously we do not want those on the roads. Again in that sphere you may well be dealing with a hot list type environment. There may well be different applications, if you like, of the technology.

**Mr Moroney:** Might I simply add to that to say that if there is general agreement about those three specific spheres—general law enforcement-criminal investigation, national security and road transport infrastructure as it relates to road trauma, road accidents, et cetera—it may well be that beyond any legislative remedy that parliaments seek to introduce it obviously flows that organisational policy, as that then translates to operating guidelines and standard operating procedures, can in fact be reflected in how police engage. Indeed, the very essence of involvement between police and the community is founded—and I do not believe Queensland would be an exception to the rule—on the simple legal premise of reasonable cause to suspect. Unless that police officer has that reasonable cause he or she cannot take that level of intervention in the first case. But acknowledging the importance of privacy, CrimTrac has sought to engage the services of Dr Clarke. We see that the issue of privacy in data protection is a crucial issue, crucial to the success and implementation but indeed the practice of ANPR across the whole of Australia, and that we seek to address these issues at the outset rather than do it as an afterthought.

**Ms van LITSENBURG:** The proposed national ANPR approach will collect a large amount of what could be considered personal information which will then be shared with law enforcement agencies nationally. Can you please tell the committee what data is being retained now in Queensland or elsewhere in Australia, such as images of vehicles and its occupants, the date, time and GPS location and what, if any, safeguards are being put in place to minimise the use of the data for previously unintended purposes?

**Mr Booy:** Within the Australian context at the moment, ANPR obviously is being used by a range of law enforcement agencies and they all have different approaches and different models in the way in which they handle and store that information, including destroying it. There is no consistency across the Australian environment at the moment in that regard. Within Queensland I am aware that the Department of Main Roads does retain the data for a longer period of time than we have observed elsewhere in Australia.

One of the benefits of a national approach would be bringing in consistency and examining the legislative environment and establishing national standards in relation to the use, storage and collection and then sharing of data.

**Ms van LITSENBURG:** I understand that the national ANPR proposal is for law enforcement purposes, while the committee is examining the benefits of the technology solely for road safety purposes. Can you please inform the committee of what, if any, road safety benefits there are in retaining ANPR data for a period of time.

**Mr Booy:** In relation to retention of ANPR data, if you are examining it in the context of road safety purposes, the deaggregated data could be used for planning purposes to determine the level of throughfare on a particular route and also to appropriately examine how resources might be allocated in terms of enforcement activities. This committee has heard on a number of occasions already this morning the potential resourcing implications arising from a widespread application of ANPR use. In that sense the data being retained can be used to build up a picture of where those resources might most effectively be used over a period of time.

**Mr Moroney:** I think it also fair to say that whilst appreciably and understandably the focus of the committee is directed towards road safety and the reduction of road trauma, commendable as that is, I do not think that you can divorce that consideration from the criminal context. We know that reasonably one would appreciate that those engaged in criminal enterprise or serious crimes—for example, armed robbery, serious assault et cetera—where the essence of flight is crucial to getting away from the scene of a crime, then it is not unexpected that in that flight process they would engage in a range of traffic related offences. It would be good if you could compartmentalise the issues into those three neat boxes, but I think there is an interrelationship between a number of offences in one sphere and the commission of offences in another.

**Mr Elmes:** I think that just about answered question 33. Would individuals have access to data that relates to their registered vehicles, for example, under ANPR schemes or freedom of information legislation?

**Mr McDevitt:** That is something that would need to be worked through. CrimTrac itself is subject to the Commonwealth Privacy Act and, as such, all of our systems. We liaise regularly with the Commonwealth Privacy Commissioner and certainly that is the sort of issue that we would be working through in terms of access by people to recordings and holdings about themselves that would be on any of our databases, in exactly the same way it is applicable to any of our other databases. I could not see why it would not be available and there would not be mechanisms and means for people to be able to access that. We do comply fully with the Commonwealth Privacy Act and the principles contained in it.

**Mr Moroney:** I think in the sense of to guard against potential abuse, particularly by police officers, each police force jurisdictional disciplinary codes would make a range of prescriptions against that. If you engage in that level of unauthorised conduct, unauthorised access and use of such material, then police force disciplinary codes would, I am sure, have an appropriate level of sanction beyond the requirements of privacy and those other legislative codes of behaviour.

**Mr REEVES:** We are wondering what sorts of strategies are in place presently or are proposed to inform the community about the information that is being collected and the rights that they have in relation to seeing and correcting that information. How is the community to be informed about making a complaint if something goes wrong? Is that CrimTrac's role or do you think it is the people you are collecting the information for?

**Mr McDevitt:** It would seem to me that it would be a shared responsibility to broadly educate the community about ANPR in the same way as you would about random breath testing or speed cameras or whatever it happened to be—to actually have a campaign where you would very broadly explain exactly the use of what information is collected, what the privacy safeguards are around the information, who can see it and so on. I expect that Australasian police ministers and roads ministers will keep a very keen eye on that. They will have a very keen interest in exactly how that campaign would take place.

**Mr REEVES:** Different state jurisdictions have different privacy legislation or standards. What issues do you think would arise due to a possible national management of ANPR?

**Mr McDevitt:** I think a lot of the issues would be the same as we have wrestled with over the last few years in relation to the DNA database. CrimTrac is the national custodian of that particular database. I think you would see a lot of the same issues come up. Part of the beauty of the federated nature of law enforcement in this country is that it is a quagmire to negotiate through in terms of the different legislative frameworks and the different policy and privacy frameworks. In the case of DNA we got to the stage where last year we had a signing of a single ministerial arrangement in this country for the sharing of DNA data with very strict protocols and supporting legislation around the DNA database and how it is used. That translates down into a whole series of guidelines and a policy framework for usage of the data and for its subsequent destruction and who can view it and when and so on.

As Darren alluded to earlier, I think the beauty of a national approach with ANPR, unlike the DNA system where jurisdictions did go their own ways and there was no national consistency, and a scoping study is what it will deliver to all jurisdictions simultaneously and that is a consistent approach with consistent and agreed safeguards around privacy, around usage and everything else.

**Mr REEVES:** Would that include also how long you would keep the data that you received?

**Mr McDevitt:** Absolutely.

**Mr REEVES:** You would not want a situation where Queensland wanted you to keep it longer than Western Australia or South Australia, for instance.

**Mr Moroney:** Storage becomes an issue.

**CHAIR:** Under the national ANPR proposal I would like to get some idea who you are proposing would monitor or audit the whole process. How can the public be confident that the system is one of high integrity? That is really the guts of whether the community accepts it or not.

**Mr Moroney:** I think this committee should draw comfort from existing legislation and policy frameworks in terms of codes of conduct for police officers. These things already exist albeit there may be some difference in the language of codes of conduct and disciplinary processes. The titles may change from state to state. We have conduct and crime commissions, police integrity commissions and offices of the ombudsman in some state jurisdictions and we have a federal Privacy Commissioner. There is a legislated, mandated framework for oversight.

If the committee is of the view that there needs to be additional oversight then I think that needs to be considered against the existing oversight framework. I am sure police officers and indeed those officers in the roads and traffic authorities or their equivalent titles would be well aware of standard operating procedures and the disciplinary codes surrounding the misuse of that information which, in the main, carry dismissal provisions. He or she is a brave officer in this current climate if they misuse that information.

Over and above that there is a capacity for random targeted audits to be done by those oversight agencies. I think the general community ought to take some reassurance from the fact that audits can be done unannounced, focused, targeted, randomly that seek to provide, amongst other things, that level of reassurance to the community about the abuse of the information.

It is about finding those agencies and the officers of those agencies doing the right thing. It is not always about catching them doing the wrong thing; it is about finding them doing the right thing, which simply translates to compliance and adherence with the legislation or the operating guidelines.

**Mr McDevitt:** With all of our systems we have very strict audit protocols in place to ensure the integrity and security of information. Every access, every key stroke is audited or is available for audit. We have a meeting with the Commonwealth Privacy Commissioner and all of her counterparts not only from the states and territories but also overseas in the next few weeks at CrimTrac to discuss this very issue and how it might apply. We have opened up access to the national DNA database to privacy commissioners, auditors-general and so on from around the country so that there can be mechanisms whereby any jurisdiction can follow through where information is uploaded by one jurisdiction to a CrimTrac system, what happens to it, who sees that information and when it is perhaps passed on to another jurisdiction what the audit trail is and how we can actually have a look at that. It is fully open. We are subject to the Commonwealth Privacy Act and the Commonwealth Ombudsman.

We had a meeting just the other day with the newly appointed Commonwealth law enforcement Integrity Commissioner. We are very open and very aware of the issues around the integrity of the information and security of the information. For CrimTrac as an agency whose life's work is brokering information, that is critical for us. It is a show stopper if we cannot ensure the integrity and security of the information.

**CHAIR:** How are you going to convince me as a member of the public about opportunities for abuse and profiteering from the system?

**Mr McDevitt:** As I commented earlier, when I walked up to this building this morning there was a sign saying I was under CCTV surveillance while in this building and its precincts. I am very comfortable that the right mechanisms are in place concerning that CCTV footage. I know there would be a very strict regime, underpinned by legislation and policy frameworks and privacy protocols and audit capability, to ensure comfort with that CCTV. In the same way with an ANPR capability we would be looking to build in those very same assurances and procedures. Again it comes back to the beauty of a national system which is scrutinised every step of the way in terms of how it is going to be developed, how it is going to be rolled out, what all the safeguards are under the very open scrutiny of ministers from right around the country.

**CHAIR:** Would that mean limitations on the people who could actually access the system?

**Mr McDevitt:** Absolutely.

**CHAIR:** What sort of people would we be talking about that would have that access?

**Mr McDevitt:** Let me give you an example. Police do not have access to the national DNA database. Access is very strictly limited to forensic people and people who work in laboratories who can interpret the data. The Australian National Child Sex Offender Register, another national database, has extremely limited access. Access is limited to registrars of child sex offenders in each of the jurisdictions. It is limited to dozens of people around the country. It is very strict in terms of a demonstrated need to access information. As Mr Moroney commented, there are very strict protocols and guidelines in place within each of the jurisdictions and each of the organisations as to who can access what databases. There really needs to be a demonstrated need.

**Mr Moroney:** I think one of the other important considerations is the efficacy of evidence, particularly in judicial proceedings. There is probably a whole debate about the issue of what juries now expect. Whether it is, as is more commonly or notionally known, the CSI factor but today juries and courts are looking for more than a signed statement or an unsigned statement. In some ways they have almost been mentally conditioned. Whether that is a by-product of the entertainment industry, I am not too sure. They have almost been conditioned to look for those additional supportive evidentiary bases that go to substantiating or giving greater weight to the proof of a particular offence.

This has another by-product offence in terms of the professional standards and conduct of police officers. In the past, lamentably, police officers have been accused of impropriety in terms of the gathering and the presentation of evidence. Here in one sense is a factual database that, amongst other things, goes to the professional standards, conduct and behaviour and the ultimate correct presentation of evidence before the courts, tribunals or other judicial proceedings.

**CHAIR:** Did you have anything else that you would like to add based on questions we have been asked?

**Mr McDevitt:** Thanks again for the opportunity to appear. We had a discussion this morning amongst ourselves about what we would really like the committee to take away from our appearance and that was to let you know that there is a significant body of work going into the scoping study looking at national application of ANPR. What we would really like is for you to ensure that you have visibility on that. There will be a presentation to police ministers in June this year on the current status of the scoping study. It will go through a whole range of the very issues that we are talking about now. It will report to police ministers on that. The final study will go to ministers at the end of this year for their consideration as to how it might all fit together.

**CHAIR:** Thank you very much. It was much appreciated.

**CHURCHILL, Lawrie Graham, Acting Assistant Commissioner, Operations Support Command, Queensland Police Service**

**NOLAN, Aaron Mark, Acting Inspector, Queensland Police Service**

**PRIEST, Paul Leonard, Inspector, Queensland Police Service**

**CHAIR:** I welcome representatives from the Queensland Police Service. Thanks for your time today. I know that you are very busy in the work you do. Witnesses should have been provided with the guidelines for witnesses appearing before parliamentary committees adopted by the Legislative Assembly which the committee is bound to follow. Have any of the witnesses not read those guidelines? Let the Hansard record show that they have read the guidelines. The committee is aware that the Queensland Police Service trialled the use of ANPR in 2004. Could you please advise the committee what offences this trial was targeting and the outcomes of this trial? Is there a proposal to introduce ANPR for traffic police work and other policing in Queensland and, if not, why not?

**Assistant Commissioner Churchill:** With regards to the trial, Inspector Nolan was heavily involved in that. I might let him respond to the first part, if that is okay.

**Insp. Nolan:** I was the project manager of the trial in 2004. We had a transportable unit. We did a trial that was composed of two parts. The first part was, I guess, a technical trial to see how efficient the technology worked, how reliable it was and the sort of environmental conditions that it could work in. The second part was in an operational field, where we basically used it in line with traffic operations. We had the police VOI list—vehicle of interest list—which included all unregistered and stolen vehicles or all vehicles that were wanted for some reason. We used that in relation to traffic operations, where we had the car set up and I would have the laptop there and look at the vehicles that went past and then simply radio through to the police stoppers a couple of hundred metres down the road to intercept the vehicle and do the relevant live checks.

In terms of the numbers, for the first trial we monitored about 10,000 vehicles for the technical aspect. For the second trial we had 23,000 and I think we had a total of 123 hits. From those hits—as in vehicles that were wanted for some reason—there were 326 different offence notices written, mainly in relation to being unregistered and uninsured but also significant numbers in relation to disqualified and unlicensed, be it the wrong class or not having a licence at all, or driving on a learner's permit unaccompanied and that type of thing.

**CHAIR:** Did you have any major problems with the way it worked?

**Insp. Nolan:** No, it was very effective. Rain, bright sunlight, night-time, street lighting, headlights on and with the vehicles approaching or going away, it was very reliable. I think the average for a single-lane deployment of accuracy was about 84 per cent. You could do it over two lanes and the accuracy dropped, but you were dealing with a higher volume of traffic. Of course you had issues that number plates were obscured by other traffic and that type of thing. It did not matter what speed they were travelling or what sort of roads they were on. You could trial it on 100 kilometres an hour or 60 kilometres an hour. So I found it very reliable, easy to use, easy to move around and easy to set up.

**Assistant Commissioner Churchill:** The second part of the question—

**CHAIR:** Yes, it was a bit of a double-barrelled one.

**Assistant Commissioner Churchill:** Could I just have that again, please?

**CHAIR:** You trialled it. Is there a proposal to introduce it into Queensland, and if there is no intention could you tell us why?

**Assistant Commissioner Churchill:** At this stage there is no intention because it is subject to a scoping that is being done by CrimTrac, I believe, and we would be awaiting the outcome of that, because there are quite a number of issues that they are actually scoping for which will impact on our processes as to whether it is implemented and, if so, how it will be implemented. The 'how' relates to whether it might be police stopping, follow-up later or investigations. Nothing has been determined at this stage and for the future everything depends on government support. As the commissioner has alluded to in page 17 of the submission, it would be subject to funding and support from the Queensland government.

**CHAIR:** How do you feel about it as a road safety tool?

**Assistant Commissioner Churchill:** From the results that I have seen from the trial in the UK, it is very promising. I have not, to my knowledge, seen any outcome of any evaluation in Australia at this stage. I do not presume that there would be a great deal of difference. I do see benefits across-the-board for law enforcement linked to road safety. But as for the correlation between road safety and ANPR, that still needs to be scoped.

**CHAIR:** The Queensland government submission states that the number of infringements for unregistered vehicles has increased over the past five years, possibly due to increased enforcement action undertaken by Queensland Transport and the Queensland Police Service. Can you confirm this? Are unregistered vehicles and unlicensed drivers specifically targeted by police in current enforcement practices?

**Insp. Priest:** We do not have our operations inspector here at the moment. His operations specifically target unregistered vehicles. In terms of unlicensed driver offences, there were over 40,000 detections just last year alone. I think it was about 41,000 detections, but I do not have the statistics available in terms of the number of unregistered vehicles detected last year and I cannot actually think of any specific operation that is directed at unregistered vehicles.

**CHAIR:** Do you have a general feel about the level of unregistered vehicles on the road?

**Insp. Priest:** I think the last study last year showed that 1.81 per cent of vehicles were unregistered. Whilst we see that there is no direct correlation between unregistered vehicles on the road and, I suppose, any road safety dangers they might present, certainly from Aaron's trial he found there were a significant number of disqualified drivers and unlicensed drivers in the proportion of vehicles he detected that were unregistered. We do know, for instance, that unlicensed drivers and disqualified drivers are overrepresented in the road toll. So my view is that if we can take unregistered vehicles off the road—many of them are unroadworthy as well—that should diminish the number of unlicensed and disqualified drivers.

**CHAIR:** There is a very close connection between the two?

**Insp. Priest:** Yes, indeed.

**Mr REEVES:** You said 'unregistered drivers'. Is there any data that has unregistered vehicles high in the road toll—that is, involved in road accidents?

**Insp. Priest:** I checked that out the other day. There is some mixed data there. I thought I had something. As I said, 1.8 per cent of vehicles last year were unregistered and 4.5 per cent of unregistered vehicles were involved in the road toll. So they were significantly, 100 per cent, overrepresented in the road toll. I took that back to 2003 and found the reverse was the case. I was hoping to make an argument in that regard but I could not.

**Mr FOLEY:** Inspector Nolan, on that detection exercise that you did, you mentioned that it worked in different jurisdictions, such as with speed limits of 60 kilometres an hour and 100 kilometres an hour. Did you capture any data on the percentage of vehicles found in those various speeds? What I am getting at is that obviously it would be a lot easier for the stop team to catch people in a 60-kilometre zone than in a 100-kilometre zone. Did you analyse that data separately?

**Insp. Nolan:** The trial has not been done in a 100-kilometre zone because of the inability to do a traffic operation to stop vehicles in that zone. That was only part of the technical trial, so we were guided by the basic operating guidelines with regard to traffic operations which prevented it from being done in 100-kilometre zones. So, no, we did not get any statistics from those speeding.

**Mr FOLEY:** Concerns have been raised with the committee about the use of ANPR to detect unlicensed drivers as the registered owner of the vehicle may not necessarily be the driver. What are the implications of that potential application for ANPR?

**Insp. Nolan:** There appears to be a link between different types of offences. For instance, with regard to unregistered vehicles—I do not have the actual numbers here—the second highest number of offences that were detected were licensing offences as opposed to unregistered vehicle offences. So there was a link between being disqualified, unlicensed and driving the wrong class of vehicle on a learner's permit in relation to an unregistered vehicle. So quite simply, the more vehicles you detect that are committing some type of breach, the greater likelihood that there is another breach also associated with that vehicle.

**Mr FOLEY:** Can you tell me on average how many vehicles are stolen in Queensland and what the road safety implications are for stolen vehicles?

**Insp. Nolan:** I do not have the stolen vehicle statistics.

**Insp. Priest:** I tried to get those yesterday. There is no specific data available. The last I could adduce was our vehicle-of-interest database, which we incorporated with the Queensland Transport black-list of unregistered vehicles back in the trials that Aaron conducted. In 2004 and 2005 we had 77,000 vehicles in our database. A relatively small amount of those vehicles would be stolen, but somehow I could not—

**Mr FOLEY:** Could you take that question on notice perhaps?

**Insp. Priest:** Certainly.

**CHAIR:** Because there would be a concern about the level of people who have reported a vehicle stolen and then actually if it has been recovered them coming back to you and saying that it has been recovered. There would be a problem there, would there not?

**Insp. Priest:** We did experience that problem during Aaron's trial with false positives, as we call them—or they were housekeeping issues, I suppose—where the stolen vehicles had not been taken off the database in a timely fashion, and that is a situation that is probably as likely to present itself at different times. We did find also a number of towed vehicles were also on the database. So these would need to be culled very quickly from that VOI database.

**Mr REEVES:** It is obvious that the benefits of ANPR technology for road safety would depend on the police having very fast access in the field to an up-to-date licence and registration database. My question is therefore about the MINDA and Maverick systems used by police. Approximately how many MINDA and Maverick units are currently in use in Queensland? What, if any, have been the benefits and pitfalls of these systems?

**Insp. Priest:** I would have to take that on notice.

**Mr REEVES:** Okay. What about the technology? Do you think police technology at the moment is at enough of a reasonable standard for the ANPR to work to balance with it?

**Assistant Commissioner Churchill:** Could you repeat that?

**Mr REEVES:** With the ANPR technology, is the database that the police use—and I know about the rollout of the new one—capable of picking up the ANPR technology?

**Assistant Commissioner Churchill:** Yes, it is.

**Mr REEVES:** The RACQ in its submission to the committee indicated that the potential costs associated with the implementation of ANPR could include costs associated with the transportation and storage of stolen and unregistered vehicles or vehicles driven by unlicensed drivers. Could you please advise the committee whether at present the service is successful in recovering these costs and what these costs may be?

**Insp. Priest:** These are projects probably outside my portfolio. I did bring some data with me from a number of the initiatives from the Road Safety Summit, which is where I particularly think the use of ANPR cameras could really impact. But when this particular issue might come up is that it might overwhelm the towing companies, overwhelm the police and the criminal justice system. In that sense, there could be some major implications. It would take a gradual rollout of this type of technology.

**Mr REEVES:** If I remember rightly, we passed legislation in regard to the hooning. There was a problem because people were not coming to pick up their cars. There was a big bill. I think we had to change the legislation to put the onus back on the owner of the vehicle, if I remember correctly.

**Assistant Commissioner Churchill:** That is correct.

**Insp. Priest:** The positives out of that is that it would take some bombs off the road. They found that in New Zealand. It took defective vehicles off the road. I have some statistics here. What is relatively stunning, I think, is if we look at hooning legislation—that is where hoons do their burnouts and race down the street—since 2002 there have been 4,280 vehicles confiscated. Then more recently from the Road Safety Summit, we have had the vehicle impoundment project. This is where you get multiple offences of unregistered, uninsured, drink driving and defective vehicles. So far, from 1 July to 29 February, there have been 786 vehicles confiscated. So there has been quite a lot. It would also impact on things like the drug driving program, where we look at keeping local databases of people we know who have been using drugs and who have been caught previously. So there certainly could be more arrests and more confiscations there.

The other issue could be the immediate licence suspension program that came out of the Road Safety Summit initiative where you have the recidivist drink drivers. Again, we would be using the databases there and they could end up in more confiscations. So we probably have to be very careful how we manage this technology. It has significant potential.

**Mr MALONE:** There are conflicting views about the value of ANPR for police work. Opponents have argued that ANPR is a drain on police resources. Based on your experience, do you believe ANPR would negatively impact on police personnel resources?

**Assistant Commissioner Churchill:** There are additional workloads involved with this particular type of technology. We have the Traffic Camera Office, which picks up most of the administrative work for traffic cameras. It would be an expansion of the administrative processes required for something along this technology, if it was to be fixed technology. If it was to be mobile technology, mobile is something where an officer would most likely become involved with the person driving the vehicle, because once it is identified they would try to intercept that vehicle. So there would be a difference in workloads associated with whatever model was achieved.

**Mr MALONE:** The committee has taken into consideration the costs and resources required for ANPR were it to be employed by the Queensland Police Service. The RACQ in its submission stated that ANPR operators would be specialist teams additional to the current traffic police numbers. Would you like to comment on that implication?

**Assistant Commissioner Churchill:** Once again, if it comes down to mobile, that would be another strategy involved in our Road Safety Strategy for which they would be policing. If it was a fixed-camera system, or ANPR system, that would probably, from my experience, cause a fair amount of follow-up investigation to determine the driver, the vehicle, and the matching number plate. That would take more police time into that type of investigation.

**Mr MALONE:** I suppose in real terms it could make police operations more effective, though, in terms of being able to target certain misdemeanours. So there is probably some trade-off with resources and the effectiveness of your resources.

**Assistant Commissioner Churchill:** Yes, there is no denying that. I think the issue that we would be looking at is if the cameras are set up in a high-speed area, interception teams need to be extremely cautious for workplace health and safety and safety to the officer. Being, say, a 110 zone or a 100 zone, we do not like to see large groups of police officers, because there have been fatalities with police officers in the past working radar on the highway. That is an issue that we would have to scope ourselves administratively, but back to your original issue, yes, it would.

**Insp. Priest:** Can I make a small contribution in terms of the resourcing of the QPS? I have found a quote from the UK from 2003. This probably underscores the fact that this type of technology takes the guesswork out of policing. It is a quote from Ms Hazel Blears, the Minister of State for Crime Reduction, Policing and Community Safety, and she states—

In those areas deploying ANPR, arrest rates per officer ten times higher than the national average were achieved.

I think that is what we could potentially achieve here.

**CHAIR:** Just following on from your comments, I am not quite clear, has the Police Service looked at the actual potential cost of implementing the ANPR programs?

**Assistant Commissioner Churchill:** No.

**CHAIR:** So you do not have any idea what resources would be required?

**Assistant Commissioner Churchill:** Not overall. We understand how much some of the technology will cost us in terms of the purchase of units, but it is the technology, it is the maintenance, it is the administration, it is the prosecutions processes as well similar to the Traffic Camera Office. The number of additional people who are intercepted and prosecuted will probably determine the number of people who are required in the back-end area for the administrative processes. No, we have not done a survey of that at all.

**CHAIR:** So if it was introduced to do, there would still be a lot of work for you guys to do before you could get it operating effectively.

**Assistant Commissioner Churchill:** It would have to become a project that would need to be scoped out, yes.

**Mr FOLEY:** Would you include other police jurisdictions in the scoping, like New South Wales and so forth?

**Assistant Commissioner Churchill:** Yes, we would.

**Mrs SCOTT:** Another issue that was raised with the committee was the prospect of private companies being employed to care for the data. So if ANPR was implemented by the Police Service, would any other government agencies, private companies or individuals be permitted access to the data from the units?

**Assistant Commissioner Churchill:** That is more than I could actually say at the moment, because that would come down to privacy and the length of time that any of the data is maintained, or kept for. None of that has been scoped at this stage.

**Mr ELMES:** Could you confirm whether Queensland number plates are tested to ensure that where they are coming across the ANPR cameras and so forth they can be detected and there are no faults in that regard?

**Assistant Commissioner Churchill:** We have had a number of issues with that—an inability to accurately identify number plates. Inspector Nolan is probably in a better position to respond to that.

**Insp. Nolan:** They do test currently in relation to the speed cameras. Each number plate that comes out is tested. That is not an ANPR camera. There are some issues in relation to the private plates that are not reflective; they are basically a matt finish. It does not record some of those. But that is a very small minority. So most personalised plates, and certainly most regular plates it does, but there are some personalised plates that it does not record.

**Mr ELMES:** Is it possible to integrate ANPR with the existing speed cameras we have in Queensland, the red-light camera—that kind of thing?

**Insp. Nolan:** Not currently. With digital cameras, it can be, but not with film based cameras.

**Assistant Commissioner Churchill:** We are in the process of moving towards digitalisation.

**Mr ELMES:** That would be a saving in manpower and resources in particular if those three things could integrate.

**Assistant Commissioner Churchill:** It could very well be, yes. I could not say definitely, but I think the potential could be there.

**CHAIR:** Early this morning we put a question to Associate Professor Barry Watson from CARRS-Q. That question was: in terms of smart policing technologies, are there alternatives to ANPR that could be used by police to assist their detection of illegal drivers? He thought it was best to put that question to you guys.

**Insp. Priest:** I do not think so. This presents an enormous potential in terms of policing and resourcing effectiveness. There is nothing else out there, particularly if we could use this in conjunction with CCTV, which they would do in the UK. Obviously, some of the principle benefits, as we see it, are in terms of crime, intelligence purposes and the like. So to some extent the benefits we are discussing today might be ancillary to that, and that is why there has been no evaluations or research done out there that we could really fall back on to say, 'We are introducing ANPR cameras, but are we seeing a reduction in the road toll?' which is really what we are all about. At the moment it is too early to identify that. But we do know we can take a lot of unregistered vehicles off the road and we can arrest or apprehend a lot of unlicensed drivers from this technology—many more than we can currently, and we are employed to do that.

**CHAIR:** From the trial that you did, would you like to talk to us again with regard to the real benefits that can be provided to the Police Service by the introduction of technology such as ANPR?

**Insp. Nolan:** It is an extra tool that you can use. It makes for a more efficient use of the resources. Quite simply, you are basically monitoring—not necessarily recording—but monitoring every car that goes past a certain site. So if you have that vehicle in your database as having been wanted for some reason, every vehicle would be checked, not just every second one or every third one, by the time you tap the registration number into the mobile unit. It automatically detects every unit and instantly gives you an alert if that vehicle is wanted for some reason. So it maximises your resources, quite simply. It is a perfect set of eyes, if you like, a perfect memory.

**CHAIR:** So from the work that you did, do you believe there is any need to go further than to specifically target unregistered motor vehicles as the ones that get flagged and as the ones that are then stopped, or intercepted, at which time you could then do other checks for licence and whatever—safe vehicles, and things like that?

**Insp. Nolan:** You have the benefit of using it locally. So if you have local issues you can put those local vehicles in your database for whatever reason for investigative purposes, that type of thing. You can create your own database of persons who are wanted, or wanted vehicles, and use it in a local area.

**CHAIR:** Do you think there is any need to retain information on vehicles after a certain amount of time? Do you cleanse the database?

**Insp. Nolan:** Yes, it would obviously be useful from a policing point of view, but you would have to go down the track of legislative issues to see how long you have to keep that for, the privacy issues about maintaining or keeping all data, security access issues—all of those types of things. But there would definitely be a use.

**CHAIR:** Do you have a view on how long you might have to keep it?

**Insp. Nolan:** Not at this point in time. I suggest—

**CHAIR:** It is a bit early—

**Insp. Nolan:** We would probably look at other jurisdictions to see how they look at the legislation, that type of thing.

**CHAIR:** Inspectors, I think it was you who mentioned that the experience in Victoria has shown that ANPR can boost the arrest rate for police by a factor of about 10.

**Insp. Priest:** That was in England.

**CHAIR:** That was in the UK. Why would the Queensland Police Service not be looking at that type of technology to assist it in doing its work?

**Insp. Priest:** I think at this stage, having conducted the trials, which were successful—certainly one trial was successful—whilst the CrimTrac evaluation and study is underway, we thought it prudent just to await the outcome of that study before we take a serious look at introducing it in Queensland. That was only in September and the idea was then for a review to be conducted in more of a holistic approach to the introduction of ANPR, because ANPR, in terms of the CrimTrac approach, is at a national level. They are looking for that consistency. So we felt that was probably the best time to revisit it.

**CHAIR:** I get the feeling that whilst you acknowledge that ANPR is around, the Police Service in Queensland is really not at this time focused on trying to convince people that it should be brought into Queensland.

**Assistant Commissioner Churchill:** That is correct. The service supports the technology. It is a matter of establishing the linkages to road safety and, as I said, the balance with privacy et cetera, and that is why we are awaiting the outcome of the CrimTrac scoping study.

**Mrs SCOTT:** A lot has been said lately about modification of driver behaviour and attitude and so on. I am interested in the actual reduction of speed from point-to-point rather than just a fixed camera, because with a fixed camera drivers who like to speed just reduce their speed for that short time and then go on their way again. I am talking about not only point-to-point over a longer distance of maybe 20 kilometres but also consecutive point-to-points, where you might have one at four to five kilometres and then another one soon after and so on so that drivers feel that they are under surveillance over longer distances. Can you comment on the improvement we could see in driver behaviour?

**Assistant Commissioner Churchill:** That has been the topic of much discussion. Yes, we do agree with that as well. The issue we have at the moment is that the ANPR throughout the trials has been focusing on number plates. The issue we have with point-to-point is whether the technology allows a broader picture to identify the actual vehicle, because the number plate may not necessarily belong to that particular vehicle, and if it does not then the identification of the driver presents a lot of problems for us. If it were expanded and you get a picture of the actual vehicle to match that number plate to then, yes, we see the benefit in that.

**CHAIR:** Inspector Nolan, during your trial—and we actually went out and had a look at it one day—

**Insp. Nolan:** Down at Logan?

**CHAIR:** Yes. We thought it was very interesting. During your trial were you able to actually pull over all vehicles that were identified as vehicles of interest?

**Insp. Nolan:** Pretty much. There were some that would get by. You would have spurts, I guess, where you might have four police and there might suddenly be six cars. So you would pull over four and then pull over another one and they would simply have to wait. But there were times when police were busy interviewing someone and you would call a car and it would simply get through because there was no-one to stop it. So it did happen occasionally.

**CHAIR:** Did that give you any idea of what type of resources you would need to be effective?

**Insp. Nolan:** The model we had to go on was the traditional interception methods that they had, and this proved more effective than the previous methods of simply looking for vehicles or calling one. So we would have to obviously alter it after we did some more trials—whether it be simply more numbers or a different stopping technique. You do not really want to pull people up and have them lined up waiting for five to 10 minutes before you speak to them. You want to do it pretty much straightaway. So it may mean simply more police there to process the people and to move them on as quickly as possible so that nobody is waiting. It may just mean numbers.

**CHAIR:** Because you were involved in the trial, do you have any real concerns about the technology such as invasion of privacy? Or do you see it as a significant tool for policing, road safety and other things that may creep in later on?

**Insp. Nolan:** No method is perfect, and it is simply another tool and a more effective tool to help identify vehicles. We targeted specific vehicles. We did not do mass monitoring for the sake of it.

**CHAIR:** What did you target?

**Insp. Nolan:** The vehicle-of-interest list, which was all vehicles that were wanted—unregistered, uninsured, a vehicle that was wanted in relation to an offence, and that type of thing. We had a fairly narrow target view that we approached. So I did not see any privacy issues there. We did not have any need to retain the data. It was not evidence as such; it was an indicator to intercept a vehicle and do further live checks. It just proved more effective than the manual method. I did not see any issues, except maybe improving the interception method to make it quicker so that people were not held up.

**Mrs SCOTT:** What about using it in conjunction with RBT?

**Insp. Nolan:** We tried that a couple of times where vehicles would be funnelled in. But, again, not necessarily every vehicle is stopped at an RBT site. You try not to create too much traffic congestion. An RBT site is perfect for it because the vehicle is already stopped and you can ask them a quick question or check registration details, licence details or whatever and they can be on their way or be pulled over for further investigation.

**Mr ELMES:** We heard this morning that going past a fixed site is not an ideal situation. As an example, having gone past the site people know they have passed it and have not been pulled over. They may be an unlicensed driver or an unregistered vehicle or whatever. They have got away with it once, so there is then a temptation to think, 'I did it once so I can get away with it a second or third time,' or whatever it happens to be. I am trying to follow a logical train of thought here. If the technology were adopted, rather than have a large number of cameras it would seem that a smaller number of cameras, worked extremely hard, would pick up a lot more cars. In some cases, if you were able to put cameras on a few streets or a few major roads in a particular geographic area where you know that there are some problems and target that area, you would really be able to pick up in a short period of time, particularly in some regional communities, virtually every car that is in the town or area. Getting the message across that it is not wise to use an unregistered car or whatever would seem to be a very good road safety tool.

**Insp. Nolan:** That is exactly right. That is exactly what we did with the trials. We used local intel, local knowledge, to tell us where we should go. That is exactly what we did. The trials in Tasmania used ANPR cameras and they had a huge reduction in their unregistered vehicle rate after the introduction of their trial. It went down from something like six per cent to below two per cent and they attributed that to the greater chance of being detected by these new cameras and so people paid their registration. They simply did not pay it before because they could get away with it.

**Mr MALONE:** So it was just the value of the threat.

**Insp. Nolan:** They were probably going to get caught if they drove.

**Mr ELMES:** It was the probability of being caught.

**Insp. Nolan:** That is correct. It increases with this type of technology.

**CHAIR:** Do you have any closing comments?

**Assistant Commissioner Churchill:** If they have beaten the system once, the other side of that could be that there is a fear factor that they might get caught the next time. They might have got lucky the first time. The second part of the issue you raised probably lends support to a mobile system where it can be deployed to specific areas, targeted to the areas that are identified, whereas the fixed camera system brings a whole host of issues where we are not speaking to a specific driver at the time.

**CHAIR:** Did you have any other comments?

**Insp. Priest:** I would like to mention that car chasing poses a significant problem for the police. Aaron and I and the assistant commissioner have discussed this. If ANPR cameras were deployed in a controlled or managed environment with appropriate resources, like a roadside breath-testing site, we could pick up stolen cars in that type of environment without the danger of a protracted pursuit because we could just put stingers or spikes a short distance up the road. I think there is significant value there for the police.

**Assistant Commissioner Churchill:** My closing comment is that the commissioner's view, which I mentioned earlier, was that we are awaiting the outcome of the scoping by CrimTrac, and we would be looking to see whether the Queensland government does support it. There are funding implications and a number of project related issues that we would need to look at.

**CHAIR:** Thanks for you time.

**Assistant Commissioner Churchill:** Thank you for the opportunity.

**CHAIR:** We appreciated the opportunity to have a look at the trial, too. We have also been to New South Wales and watched it operating down there. You have to see it working I think to really get a good understanding of its value.

**Insp. Nolan:** Yes.

**CHAIR:** Thanks for your time today. Your input has been appreciated. There will be a demonstration of the technology outside during lunch if anybody wants to have a look at it. Also, those people who wish to make a public statement to the committee at the end of the hearing will be required to read the guidelines for witnesses appearing before parliamentary committees adopted by the Legislative Assembly and provide their contact details. Forms will be made available on the table during the lunch break. Please provide the completed documentation to Alice or Rob.

**Proceedings suspended from 11.55 am to 12.54 pm**

**BLAHOUS, Mr Andreas Martin, Acting Senior Manager (Policy), Queensland Transport**

**OSWIN, Ms Judith, Executive Director (Land Transport and Safety), Queensland Transport**

**BROUWER, Mr Jeshua Marten, Principal Engineer (Traffic), Department of Main Roads**

**MITCHELL, Mr Mark Mackenzie, Director (Heavy Vehicle Management) Department of Main Roads**

**SMITH, Mr Geoffrey Lloyd, Manager (Traffic Surveys and Data Management), Department of Main Roads**

**WALSH, Mr Dennis John, Executive Director (Planning, Design and Operations), Department of Main Roads**

**CHAIR:** I declare the afternoon session of this hearing open. I welcome representatives from Queensland Transport and the Department of Main Roads. I thank you all for your time; it is always appreciated. Witnesses should have been provided with the guidelines for witnesses appearing before parliamentary committees adopted by the Legislative Assembly which the committee is bound to follow. Have any of the witnesses not read the guidelines? The *Hansard* will note that all of the witnesses have read the guidelines.

I have one question for Queensland Transport before we get into the main questions. With regard to number plates, who owns the number plate? I am talking about a Queensland Transport provided one and also the personalised number plates. We need to understand this because there is some argument that, 'You can't take a photograph of my number plate because that's mine.' So who does own the number plate?

**Ms Oswin:** It is not a question I have ever turned my mind to. Are we able to answer that question after the hearing?

**CHAIR:** Sure. If you cannot answer it now, please take it on notice.

**Ms Oswin:** I would rather answer it correctly than have a guess.

**CHAIR:** Could you also find anywhere that it is covered in legislation or regulation?

**Ms Oswin:** No problems, we will get back to you.

**CHAIR:** Thank you.

**Ms van LITSENBURG:** This question is for Queensland Transport. The committee notes that crash reporting does not include the registration status of the vehicle. Can you tell the committee whether the department has conducted any research involving point-in-time registration searches to determine the number of road crashes that involve unregistered vehicles?

**Ms Oswin:** We keep data on whether the vehicles were registered in our own crash data so we are aware of that. There was I believe some information provided in our response about the percentage of unregistered vehicles that are involved in accidents. Whilst I do not have the full data with me, of the statistics for the 2003 to 2007 period for fatalities, there were 47 crashes involving unregistered motor vehicles. That is information that we have and we monitor.

**Ms van LITSENBURG:** So approximately what percentage of total fatalities would that be?

**Ms Oswin:** That is 2.9 per cent of the fatalities for that period. We have undertaken surveys that have been done for us by AC Nielsen over a number of years looking at the state of the registration of the fleet. It depends on the years—in 2000 about four per cent of the vehicles surveyed were unregistered; in 2003 it was about five per cent; and in 2005 it was about 1.8 per cent. Unregistered vehicles are slightly overrepresented in crashes based on that statistic, but not significantly

**Ms van LITSENBURG:** Can you give the committee an indication of the number of unregistered vehicles and vehicles registered to unlicensed drivers that pass the ANPR units currently deployed by your departments?

**Ms Oswin:** Sorry, I missed the last part of the question but I will answer the beginning of the question. In terms of the information I provided to you before, we believe somewhere around two per cent of the vehicle fleet at any time is unregistered based on our last survey. In terms of unlicensed drivers, we have statistics in a couple of different ways. Of course you cannot do a survey of unlicensed drivers; what we can and do do is look at the number of infringements for unlicensed drivers. In terms of that information, there were about 40,000 infringements issued in 2006 for unlicensed driving and there are about 2½ million licensed drivers in the system.

In terms of the number of unlicensed drivers involved in accidents, which may be what you are getting at, about 15 per cent of fatal crashes involved unlicensed drivers. So where I made the comment before that unregistered vehicles do not appear to be unduly overrepresented in crash statistics, I would suggest based on that kind of statistic of about 15 per cent that we are probably looking at unlicensed drivers being significantly overrepresented in crashes.

**Ms van LITSENBURG:** The lack of front number plates for motorbikes has been raised as an issue in submissions to the committee's inquiry. Obviously, they have only one number plate on the back and it is harder to identify the bikes using enforcement cameras and ANPR. Could you clarify for us why motorbikes are not required to have front number plates?

**Ms Oswin:** There were representations, I understand, from motorbike groups a number of years ago across Australia talking about the road safety issues when a crash occurs in terms of having a number plate on the front of a bike. Those representations were accepted by governments across Australia, so there is no requirement for motorbikes in any state of Australia to have a front number plate.

Queensland Transport in the last 12 to 18 months went out to have a look at radio frequency identification devices and the possibility of using them in motor vehicles. We went out and asked for an expression of interest from providers to see whether that would be an option for us, particularly in terms of picking up speeding motorbikes. What came back was that the technology is not sufficiently advanced at this point for us to be able to accurately identify a vehicle.

There are also issues in terms of how they get fitted to the bikes and whether or not it requires some structural drilling into the bike and that actually creates safety issues in itself. So we are very much aware of the issue and we are monitoring what is happening from a technology perspective in terms of alternatives that are in place.

**CHAIR:** How do you monitor what is happening? Do you tap into what is happening overseas?

**Ms Oswin:** We certainly are looking at research. The department has significant involvement in a number of technology based committees and we are also looking at generally what is going on in the industry.

**Mr REEVES:** Is there any understanding about how many motorbikes we are missing because they only have the number plate at the back?

**Ms Oswin:** Sorry, what do you mean when you say 'missing'?

**Mr REEVES:** Well, missing whether because it is the speed cameras or it is the—

**Ms Oswin:** We don't have stats on that, but anecdotally the belief is that we are not picking up motorbikes that are speeding because of the issue with number plates. But we don't have any stats on that.

**CHAIR:** A previous committee report tabled in 1999 contained a recommendation that Queensland Transport fund roadside surveys to identify the number of unlicensed drivers on the roads in Queensland. The then minister indicated in-principle support for the recommendation. We would appreciate it if you could give some advice to the committee as to whether this recommendation has been implemented and, if so, the outcomes of any studies you might have carried out.

**Ms Oswin:** I am aware of a past recommendation about studies on unregistered vehicles, but there was also one on unlicensed drivers, was there? The information that I provided before about the surveys of unregistered vehicles was undertaken as a result of a Travelsafe recommendation. In terms of unlicensed drivers, Queensland Transport does not have a role in terms of unlicensed driving enforcement; that is a Queensland Police Service role. Transport inspectors will ask for the licence of heavy vehicle drivers, but we do not have the right to pull up light vehicle owners and ask for their licence.

**Mrs SCOTT:** We are aware of some reports from Victoria regarding truck drivers switching off their lights to avoid detection by ANPR cameras. Has this happened at all in Queensland and, if so, are the infra-red cameras successful in identifying number plates at night without headlights?

**Mr Smith:** Switching headlights off would have no effect whatsoever on an infra-red ANPR camera. It would read the number plate whether the headlights were on or not.

**Mrs SCOTT:** I think we heard of some more scary cases in New South Wales where they actually almost about the truck in front so you cannot get access to seeing it at night. There are a couple of questions on weigh-in-motion technology for heavy vehicles. In its submission to the inquiry the RACQ supported the use of ANPR technology in combination with weigh-in-motion technology to detect overweight heavy vehicles. Could you inform the committee of the number of sites that are currently using weigh-in-motion technology and the number of weigh-in-motion sites currently using ANPR technology.

**Mr Smith:** There are approximately 60 weigh-in-motion sites scattered throughout Queensland. Of those sites two are equipped with ANPR technology at the moment.

**Mrs SCOTT:** What are the benefits of incorporating the two technologies, including the identification of overweight heavy vehicles and the detection of logbook infringements?

**Mr Smith:** From a Main Roads perspective, logbook infringements are outside our brief, if you like. That is a Queensland Transport activity. I suppose overloaded vehicles are, too, in a sense, except that we can identify the vehicle that is overloaded through the use of an ANPR camera and we can pass that information on to transport inspectors for appropriate action further down the track. We don't have a role on the enforcement side. That would be outside of Main Roads.

**Mrs SCOTT:** Looking to the future, what plans are there for the weigh-in-motion technology, including the number of potential sites and whether the ANPR technology is to be included?

**Mr Smith:** In terms of the number of weigh-in-motion sites, I think we have pretty well saturated the state, so I don't think there is going to be any wholesale increase in the number of weigh-in-motion sites. We just about have every major freight route covered with weigh-in-motion sites at the moment. In terms of ANPR technology, we have plans to expand to about six sites in the future. What we are really basing that expansion on is more about making sure the right vehicle is in the right place, monitoring things such as road trains to make sure they are using appropriate routes and auditing of IAP vehicles. That is the sort of expansion program that we have in place at the moment.

**Mr REEVES:** I know the answer to this but many of the committee people probably do not. How were heavy vehicle drivers who may be registered in this state and travel through the Brisbane Urban Corridor where the ANPR system is in place informed of the relevant restrictions on driving hours that apply? I could answer it for you. What I am saying is: how are interstate drivers informed about the restrictions on the Brisbane urban corridor?

**Mr Walsh:** There was a wide publicity and education program undertaken on the introduction of the Brisbane Urban Corridor project. We provided information into the trucking industry. We provided information to a number of major companies and letters to people that we had seen using that corridor on a regular basis. There was quite an extensive education process undertaken prior to the introduction of the ANPR on that corridor.

**Mr REEVES:** In relation to the data collected on truck movements in the Brisbane Urban Corridor and other areas, what data is retained for the light vehicles that pass the camera, how long is this data retained and how could it be used in the future?

**Mr Walsh:** My colleague Jeshua might be able to clarify this, but my understanding is we don't retain data on light vehicles, we are only interested in heavy vehicles. We have a database which contains registered heavy vehicles and the ANPR system is only looking for those particular vehicles. There is no storage of information pertaining to light vehicles.

**Mr REEVES:** How long do you keep that data in relation to heavy vehicles?

**Mr Walsh:** The duration is determined by Queensland police, because it is the enforcement agency. I would have to clarify that with them, but it would be in accordance with the Traffic Camera Office duration of storage. So the same as for speed camera offences and red-light camera offences.

**CHAIR:** Would you be able to clarify that for us?

**Mr Walsh:** We will clarify that and get back to you.

**CHAIR:** We need that information to make sure that we have it right.

**Mr MALONE:** How are members of the general public and heavy vehicle drivers in particular informed about the use of ANPR and where ANPR units are located and what has been the reaction of the public and heavy vehicle operators to the use of ANPR?

**Mr Walsh:** We might answer this in two parts. I think certainly the Brisbane Urban Corridor experience has been that it has been well received by the local community. The truck drivers are well aware of the use of the cameras. It is well signed. There is permanent signage in place at both ends of the restriction and on the approaches to the restrictions. There are also signs indicating the preferred alternative route for them to take for through-truck movement. More generally, in terms of the other survey work that we undertake, we have a practice of erecting signs to inform the public that we are undertaking those surveys.

**Mr Smith:** Just to add to that—Mr Walsh is talking about the temporary surveys—for the permanent sites we have on-site signage which is not that dissimilar to what is on the Brisbane Urban Corridor in terms of its content—obviously with a different purpose, but its content is not dissimilar. Any time we do a fairly major traffic survey we also put out a media statement and we have local radio broadcasts and that sort of thing to inform the public of what is going on.

**Mr MALONE:** I think there is a site, and it is a weight detection system, on the Bruce Highway up near Sarina. I was not personally aware to any great extent of that being there. There is a lot of speculation in the general public about what it really is. I suggest that maybe we need to advertise that a bit more. I suspect a lot of cars would slow down a little bit as they go past it.

**Mr Smith:** There is signage on site.

**Mr MALONE:** It says 'detection unit in use'.

**Mr Smith:** Yes, 'traffic survey detection', or something.

**Mr MALONE:** How are heavy vehicle fatigue offences currently detected in Queensland and would you have the number of infringements currently detected? Can you give the committee an indication of annual offences?

**Ms Oswin:** In terms of how fatigue offences are currently detected, there are two major ways that that happens—that is, in terms of transport inspectors or police looking at the logbooks of heavy vehicle drivers, and where they detect that there are issues infringement notices are issued. The other major activity that we do with regard to fatigue is through our chain of responsibility investigation. Where we identify that a particular trucking company is likely to be involved more systematically with fatigue

breaches, a full and substantial investigation can be undertaken in terms of looking at either a particular driver or a range of drivers. We collect logbooks, look at things like phone records, fuel receipts and how the company documentation would help us to establish that fatigue offences have occurred. There was a second part of your question.

**Mr MALONE:** Do you have the stats on numbers?

**Ms Oswin:** I don't know that we have brought them, have we, Andreas?

**Mr Blahous:** Unfortunately, I don't have a total aggregate for the last two years. I do have month-by-month between May 2006 and December 2007. In total, as at December 2007 there were 221 fatigue offences. Prior to the introduction of demerit points for logbooks it was a significantly high number. Now it seems to have dropped down with that introduction to average around the low 300s and mid 200s per month.

**Mr MALONE:** I am certainly getting some calls from truck drivers in relation to minor infringements such as perhaps not spelling the name of a town right or not putting it in. That is not included in those stats, is it?

**Mr Blahous:** These stats include finalised, pending and withdrawn, so it is all three categories.

**Ms Oswin:** There are often anecdotal stories about people getting fined for those sorts of logbook offences. I have never seen evidence of one yet. Certainly there was somebody who put in an appeal or asked for a review of a decision that related to a very simple spelling mistake. I am sure that it was withdrawn. It is certainly not what we are about.

**Mr MALONE:** If I get those complaints I will refer them.

**Ms Oswin:** We would be more than happy. Sometimes, of course, what we find out is that that might be what they say is the issue but there is a lot more to it than that.

**Mr MALONE:** In our jobs we have to work out both sides of the story.

**Mr REEVES:** The committee notes that New South Wales and South Australia are currently detecting and enforcing heavy vehicle fatigue infringements that occur across jurisdictions using their Safe-T-Cam system. Is the Queensland government considering participating in the Safe-T-Cam system?

**Ms Oswin:** The short answer is no. The longer answer is that I can see that there are some significant potential enhancements and benefits to us, particularly looking at fatigue and speed offences, if we do get involved in ANPR type technology in a similar way to the Safe-T-Cam. At this point I am certainly very interested in what happens with a national trial. I know the CrimTrac people were here earlier today. I would be interested in their examinations, particularly around the privacy issues associated with ANPR. From a policy perspective it is something that I will be looking at a lot more closely once the results of that are in.

**Mr REEVES:** Can you expand a bit more on the reason for not considering the Safe-T-Cam at this stage?

**Ms Oswin:** I guess there have been a number of concerns around the privacy type issues associated with ANPR technology. There is always a whole suite of policy interventions that you can make around a range of things. Queensland has been the first state, for instance, to introduce demerit points for logbook offences. That has been a particular intervention we have taken in this state that has not been taken up by other states. Andreas was mentioning before the number of fatigue breaches. Since we introduced demerit points they have dropped. We are of the view that that has been a positive thing. It has been an issue that we have been aware of and monitoring, but at this point we have not taken that as an option.

**Mr REEVES:** We understand that Main Roads currently has ANPR cameras that scan the number plates of vehicles that pass a specific section of the M1 or Pacific Motorway. Could you please advise what data is captured for vehicles that pass this point, whether the data is retained, how long for and who has access to it.

**Mr Walsh:** We are not aware of an ANPR station on the M1.

**Mr Mitchell:** You might be thinking of CCTV cameras.

**Mr Walsh:** We do have traffic monitoring cameras on the system.

**Mr ELMES:** Can individuals access any data that relates to their registered vehicles, for example, under ANPR schemes or freedom of information or anything like that?

**Mr Walsh:** In terms of the Brisbane Urban Corridor project we provide that information directly through to the Queensland police. You would have to ask the Queensland police about accessibility to infringement notices. With respect to information pertaining to general traffic analysis, we do not make any association between the registration data plate and the individual details. So there is no linkage to the registration database for general traffic analysis.

**CHAIR:** Could I get from Queensland Transport what its position is on the use ANPR and in particular the use of identifying unregistered motor vehicles?

**Ms Oswin:** As I mentioned before, we do not actually have any ANPR ourselves; Main Roads does. We have purchased and used in a trial situation two portable ANPR devices which we used effectively in terms of testing what their use might be. We did that a couple of years ago. In terms of what our position is, I can see some potential significant benefits from ANPR technology in terms of registration, but that is a view from me as a bureaucrat. I cannot say that that has been fully canvassed within the department and certainly at political levels. It is quite clear that as a technology it has considerable opportunities for detecting unregistered vehicles.

**CHAIR:** I have a question about the system that is used on Kessels Road that we had a look at. Main Roads operates that system, does it?

**Mr Smith:** Main Roads operates those portable cameras.

**CHAIR:** The purpose of it there is to try to identify people who are not complying with restrictions. Does QT have any feed into that or do you feed back to QT at all?

**Mr Walsh:** No, the arrangement with the Brisbane Urban Corridor system is that the encrypted images are preprocessed through a piece of software that passes potential infringement notices on to Queensland police to adjudicate. Those encrypted images are not available for de-encryption other than by police. We do not hold any information ourselves around the offences and that type of information. We do not pass any on to Queensland Transport. Queensland Transport's role in that project was to really apply a policy context around it and also develop the legislation to support the scheme.

**CHAIR:** So you feed information back to police? What about to your own transport inspectors?

**Ms Oswin:** Transport inspectors are Queensland Transport employees, not Main Roads employees.

**CHAIR:** Do they get any work as a result of the ANPR operating in that area?

**Ms Oswin:** There is no standard transfer of information, no.

**CHAIR:** When is that information cleansed? How long does it stay in a database?

**Mr Walsh:** The data on the Brisbane Urban Corridor?

**CHAIR:** Yes.

**Mr Walsh:** That was my reference before. A question was asked about the storage of that information. I think the Queensland Police Service apply the same standard as they do for their speed camera and red-light camera retention.

**CHAIR:** If a vehicle is identified as breaching the restrictions, does that particular vehicle then stay on the database for future reference or once the offence has been identified and action has been taken is it removed?

**Mr Walsh:** I would have to check that out. Our understanding is that when a potential offence is detected that gets passed through to police and they adjudicate on it. I am not quite sure what the practice is if there is not an infringement generated from that detection.

**CHAIR:** I can see we should have got a better understanding of that. We could have asked the police the question.

**Mr REEVES:** Because the person loses demerit points I would assume it is recorded on their Queensland Transport driving history.

**Ms Oswin:** We get advice that somebody has paid an infringement notice or there is to be payment of an infringement notice and where it is applicable to their drivers licence and incurs demerit points then the only information we get is that they have had demerit points applied to their licence which we apply. The other thing that I might get Andreas to talk about is how we get some information. That will give a complete picture.

**Mr Blahous:** In a very limited sense we do collect some information relating to a court election once an infringement has been generated. If a person gets an infringement notice and determines that they want to contest it in court then they are entirely able to do that. Within 28 days they can make a nomination. Our prosecutions area will then receive one image—which is the first image once they passed a 'no trucks' sign, which will be the evidence they will build their case around. That information is stored on a secure floor where we have supervised access for external parties. The files are in secure storage and the files will be retained for a period of seven years, which is a requirement for record keeping for court processes.

**Mr REEVES:** With this one that we are talking about you would need more than one image if you are going to prosecute. You would need the image when they first pass and the final image and a timing on that image, wouldn't you?

**Mr Blahous:** My understanding is that the offence occurs when they pass the first 'no trucks' sign. It is just like passing a speed limit sign.

**Mr REEVES:** You are saying that your prosecutors go and defend that fine. They would need the information about the timing because this is all about the time it has taken to get from point A to point B.

**Mr Blahous:** I can confirm what discussions our prosecutors have with the police unit and get back to you on that one.

**Ms Oswin:** Whether it is one photo or both photos, Andreas has outlined the general principles of storage and how long we keep it for.

**CHAIR:** So I am clear, I determined a few minutes ago that Main Roads operates these cameras. Does it also pay for the cost of installation?

**Mr Walsh:** Yes.

**CHAIR:** Could you give us some idea of the different costs involved with regard to the installation, operation and maintenance of the cameras?

**Mr Smith:** There are three situations really. We have the permanent installations such as those on the Brisbane Urban Corridor where we have a gantry across the road and the cameras are mounted on the gantry. Those gantries are costing upwards of \$700,000 each. The cameras themselves are \$40,000 each per lane. That is the extreme situation.

If we are looking at a more rural situation you are probably looking at about \$100,000 for the pole, the camera, the cabling et cetera for a two-lane highway. The portable cameras, operated by a police officer on the side of the road, are about \$30,000 each. In terms of maintenance, for the larger infrastructure you are looking at about \$4,000 per year. For one of the rural road type situations it is probably about \$1,000 a year.

**Ms Oswin:** I might just add to that. There is currently a trial occurring in New South Wales using a Handycam type camera and that costs \$500 with back end software that has been developed by one of the universities. That is very much in a trial stage, but I guess like all technology—

**Mr REEVES:** What is it called?

**Ms Oswin:** I do not know. They are basically using a Handycam—those things that we all use to take pictures of our families. They are using that style of camera in an ANPR type situation. It is very much a trial. It is being developed by one of the universities.

**CHAIR:** When Main Roads first set up the networking on Kessels Road there would have been a clear understanding about the purpose around those cameras being put in place. Were there guidelines or regulations?

**Mr Walsh:** The genesis of that project came out of the Brisbane Urban Corridor planning study. There was a clear policy mandate coming out of that study and supported by the government at the time in bringing in a truck restriction onto the corridor. In that context, we developed, in conjunction with Queensland Transport and Queensland police, the legislative framework to give effect to that policy intent.

**CHAIR:** So you have the legislative framework. We have all heard of function creep. Has anything changed or been added to it since it was originally set up?

**Mr Walsh:** It is only in force for that specific purpose.

**Mr REEVES:** Confirming what has been said, the intention of that from the moment it was suggested in the submission to now is exactly the same. It has not changed.

**Mrs SCOTT:** And it has made a wonderful difference.

**CHAIR:** So if you were given the task of bringing ANPR into Queensland and giving it to police to operate with the purpose of identifying unregistered motor vehicles and in the general interests of road safety, what advice would you give us?

**Ms Oswin:** I made a comment earlier about unregistered vehicles not being particularly overrepresented in crashes, so I guess the jury is out for me in terms of whether detecting unregistered vehicles is going to have significant road safety impacts in terms of the unregistered vehicles. In terms of ANPR, the sort of potential that I see is in terms of things like speed detection for offences. In terms of time over distance, speed is clearly a significant contributing factor. I think there are some potential uses for it in terms of monitoring things like dangerous goods vehicles and them being on routes that they are not meant to be on. I think there are particular opportunities in terms of heavy vehicles and fatigue. I think there are some clear opportunities there. With regard to the unregistered vehicles and subsequently the detection of unlicensed drivers, yes, certainly that has some road safety benefits. But the two things that I would be most interested in pursuing would be the speed and the fatigue related applications, because I think there are some real opportunities there.

**CHAIR:** Would anybody else like to comment?

**Mr Walsh:** I would support a review or an investigation into the application for point-to-point speeding. I think we have a number of road safety challenges on our network and there are potential areas in which trying to modify driver behaviour is extremely important in terms of getting road safety outcomes, and doing that over a longer distance seems to make a lot of sense as opposed to always going to point only speed detection.

**CHAIR:** Is there any proven formula for determining the average speed over a distance? How do you determine the average speed so that it is within the speed limits?

**Mr Walsh:** We would have to look into the calculation of that. If it was applied over a single speed zone, it makes it a lot easier and a lot more simple. If there are multiple speed zones, it is still able to be calculated mathematically. The issue is that if a speed detection device is applied we would then have to also factor in margins of error in their speed detection. That is not related to ANPR, so that would have to be taken into consideration.

**CHAIR:** Have you got a role to play?

**Mr Walsh:** Yes.

**CHAIR:** Does anybody else want to say anything?

**Mr Mitchell:** I just think there are clear benefits—future benefits and present benefits—with ANPR cameras. We have seen that out at the port of Brisbane where there is a camera linked into the weigh-in-motion system and there has been quite a significant downward trend in heavy vehicle overloading. So what that translates to is a network preservation benefit to Main Roads, diminishing maintenance costs because of reduction in overloading.

**Mr Smith:** And road safety benefits.

**Mr Mitchell:** Yes, safety benefits because trucks are not rolling over because they are severely overloaded.

**CHAIR:** In your considerations—mainly Queensland Transport—of ANPR, have you looked at the potential concerns of the general public in the privacy and the monitoring and auditing to make sure that it is used for what it was set up for and not being abused?

**Ms Oswin:** Significantly where that is a major concern of people, which is why we were interested to see what CrimTrac is doing. I have been at some briefings in terms of what their scope of work is, and it seems to me that they are putting significant effort into that whole privacy issue. Rather than duplicating what they are doing, I am very keen to see what they come up with.

**CHAIR:** All right. If there are no further questions, thanks very much for your time. It is always great to have you here to get your input.

**Mr Walsh:** Thanks.

**CHAIR:** I declare that part of the session closed and now open the floor to allow members of the audience to make public statements to the inquiry. For those in the room who have already made a submission to the committee and wish to make a public statement, please ensure that the issues raised have not already been covered in your submission, or if you want to provide a little bit more detail I accept that. If you wish to make a public statement and have not yet read the guidelines for witnesses appearing before the parliamentary committees or completed a witness form, please let us know. But I believe that Mr Calvert has done that. I ask those who are wanting to make a public statement to please come forward to the witness table.

## **CALVERT, Mr Daniel, Private Capacity**

**CHAIR:** Daniel, we were only going to allow five minutes, but I understand that you might take a little bit more time. So we will give you 10 minutes and then we will be calling it off. I will leave it with you.

**Mr Calvert:** I will do my best. It is very hard. I have made some preliminary notes. I have looked at this in detail. Obviously it is costing me a lot of money to be here; I am not being paid to be here. I am extremely concerned about aspects of this, as I have made clear in my submission. Last night while I was finalising some notes I came across a news release which said that a UK police team using cameras to record the movements of motorists dropped an ANPR memory stick containing sensitive private information in Hertfordshire. The article says that on Wednesday a passer-by noticed the unmarked computer memory device lying in a gutter. The passer-by checked the device on his computer and found it carried 330 megabytes of unencrypted data files containing personal information on suspects. This is absolutely top-secret information and it would have been disastrous had it fallen into the wrong hands, as an insider told the *Mirror*.

It does not matter how many reassurances these people have given about the sanctity of this data. It is of great concern to me that it is going to be in the public arena. I am also concerned about the whole direction that ANPR is going which is building on speed cameras and all of the other technology that people have put into so-called road safety over the last 10 years, and nothing I have heard here today suggests otherwise. It is a punitive mentality rather than how do we reduce the road toll. I was extremely concerned to hear—and you will have to forgive me because I am going through different notes here—for instance, what Desley said. She raised the question earlier about detecting vehicles and issuing speeding tickets over 30, 50 or 100 kilometre-long distances. The whole mentality over the last 10 years—all we hear—is that every k over is a killer.

I have driven extensively overseas. My business requires me to drive in Europe and the western United States. I have driven on roads where it is perfectly legal to do 140 kilometres an hour. I have driven at over 200 kilometres an hour on German autobahns. German autobahns are engineered to the same standard as the American motorways in the east. Their speed limit is 55 miles an hour. Traffic volumes are similar, but the accident rate—the fatality rate—on the American highways is greater than it is on the German autobahns. For somebody who has travelled overseas extensively and travelled at speed and to come back to Queensland and watch people have no consideration for other motorists—deem it their God given right to sit in the right-hand lane at the speed limit or under the speed limit and have cars cutting around them—just beggars belief. I have driven for 30 years and, I admit, I have driven at reasonable speeds, but I have never had an accident in my life. Apparently—they have worked it out—there is one fatal accident for every 109,000,000 kilometres travelled. That means that an average driver travelling 20,000 kilometres a year will have to drive for 5,450 years before they are involved in a fatal accident. So road travel is actually safer than it is made out to be by official sources.

A lot of universities like Monash are paid for research and they come up with the research that so-called road safety people want to hear. But empirical results actually jibe what we are being told. In Italy in 2005 freeway limits were increased from 110 to 150 kilometres an hour. I am hearing people here putting a huge emphasis on speed detection. This system is going to have to pay for itself, and the most lucrative way of making these systems pay for themselves is by issuing speeding tickets. There are no two ways about it. That is really going to get the public's back up even more, especially people like myself who have driven for 30 years, have not had an accident, drive overseas on roads where I am allowed to travel a lot quicker and you think, 'What am I getting this ticket for? I'm not driving dangerously. I am doing 120 or 130 kilometres on a four-lane highway with medium traffic density.' It is safer in the outside lane—I can tell you—than the inside lane, because I have driven slow vehicles as well as fast vehicles.

If we look at Italy, they have put the speed limit up from 110 to 150 kilometres. The Queensland mentality is that every k over is a killer. What happened? I think they did that in Italy in 2005. The following year fatalities on the roads where they increased the speed limit were reduced by 20 per cent. To me that is an effective road safety solution. ANPR does not promise that. All of the people here today who have been asked about ANPR hedge their bets. They pass it on to another department and say, 'It's for them to look at.' There is no absolute surety about this. If it is as effective as speed cameras—speed cameras were introduced in Queensland 10 years ago or near enough, but I am not an expert on when they were introduced—with regard to the road toll, there is a difference of two people in that 10 years. If you take 1997 figures compared to 2007 figures, two more people were killed on the roads in 2007 than were killed in 1997. So you have to wonder, 'Has all of this policy actually achieved anything?', because at the same time people are driving safer vehicles and medical response times have improved, yet we are back to a situation where we are still supposed to believe that every k over is a killer.

Unfortunately, it seems that the public is being fed this message and I just see it all of the time on the roads where people will not exercise any courtesy, because they believe that if they are travelling at the speed limit they are safe drivers. Montana in the USA in the late 1990s flew in the face of state regulation. The whole United States was under federal law. A speed of 55 miles an hour had been mandated across the entire country. Montana has always been a bit of a rebel state. They flipped the bird at the federal administration. They took the daylight speed limits out of the equation. You had to travel at what was deemed a safe and prudent speed. Again, what happened? In those two years fatalities decreased.

Pressure was brought to bear by the federal administration and other states because it was an embarrassment. What happened was they reinstated the speed limits and the year after that fatalities went up.

If we are trying to save lives, if we are trying to send the right message to drivers and if we are trying to get people to exercise responsibility on the roads, this reliance on things like ANPR and speed cameras is just a punitive mentality and there is no clear demonstration of it succeeding. It seems that we are taking a lot of our lead from the UK. It has been mentioned at the table here today. In the UK there is one surveillance camera of some sort for 11 people. I drive in the UK. It is the most depressing country in the world. Never mind the weather; wherever you go if you have a sat nav plugged into the car every 10 metres it is going off telling you that there is another camera. You get out of the car and walk into a mall and, as somebody here referred to earlier, there are 15 cameras watching you.

I am just so passionate about this. I seem to be the only member of the public in Queensland who is going to sit here in front of a committee today and express my concerns about the direction road safety is going and how automatic number plate recognition is only dragging us further down the same road. I have absolutely no time for people who drive unregistered vehicles. I have no time for people who come down my suburban street trying to race or any of those sorts of things. But there is no differentiation—there is no distinction—between bad driving which might happen to involve exceeding a speed limit and sensible driving and the onus on the driver to practise safe, correct, considerate driving that would save lives. Of all of you sitting here, I would wager a bet that most of you, especially the gentlemen, have at some stage exceeded 100 or 110 kilometres, even if by only two or three kilometres.

I know if you looked deep in your hearts you would know yourselves that that k over was not a killer. If you had not been paying attention, if you had turned around and went to smack one of the kids, or if you had reached for the cigarette lighter, or had put a CD in the player, all of those things are far more dangerous. I am sorry for taking up more of your time than I should. I have not addressed all the issues that I have here.

**CHAIR:** I will give you a minute if you want to. Just tell us what you do not like about ANPR.

**Mr Calvert:** It is two issues. The whole privacy issue for me is a very real issue. I raised it in my submission and it is something that has not been discussed here today. I get the impression that all the people who have come before it and the committee members themselves are all reasonable people, but the problem is that it is the ideas that get out of control. They get assimilated into the system. It is just one of those endemic, systematic sort of developments, I guess.

My concern also is that in the UK in the city of London they use ANPR as a road-user congestion charge. That is very much a British solution, because obviously Britain has totally different dynamics in big city like London from what we have here in Brisbane. The traffic is just horrendous. My concern is that once it leaves this committee, once the committee gives the green light to any sort of ANPR system—and I appreciate a difference between using it for commercial vehicles and for the general public—my concern is once it is out there it is going to be abused by all of these different departments, because they all have different agendas and they all have different ideas about how it should be used. There is not going to be a check and balance there. In that sort of situation, with things like congestion charges, if the public realised that every time they drive between point A and point B they are automatically going to be levied a charge for driving on top of all the other taxes that motorists pay, I would say that they are going to be pretty peeved about it.

When I was last in central London, I think it was about £8. Since then, just in the last month it has gone up to as much as £25 to drive a car in the inner city. Obviously, there are a lot of questions being asked about ANPR in the UK at the moment. I know some of the people who have come to this table today have said, 'Everything's great in the UK. It's all working.' I can tell you—and I have done extensive research and I have read about it when I have been in the UK—there is actually a lot of dissent about it. There are a lot of people who are not happy about the way it is being used, about the way it is being implemented and some of the holes in the information and privacy side of things. I am just not convinced.

**CHAIR:** Okay. Thanks for coming in.

**Mr Calvert:** Thanks for your time. I appreciate it.

**CHAIR:** That's okay, because we take great pride in the fact that we try to get as many people in the community involved as possible, because we do not know it all. This is about getting the best information we can before we make recommendations to the parliament, because we only make recommendations to the parliament.

**Mr Calvert:** I appreciate that.

**CHAIR:** It is a great opportunity for somebody like you to have your say.

**Mr Calvert:** It is and it is the first time I have done it.

**CHAIR:** We appreciate it. Thank you to everyone who has been here today and those people who have been in the hearing taking things on board. If anybody who is in the room at the moment would like to add anything at a later date, they are quite welcome to contact the office of Travelsafe and we will gladly give them the due consideration that they should have. I appreciate all the effort from everybody. Thank you Hansard. I declare that hearing closed.

**Committee adjourned at 1.48 pm**

