

WESTERN AUSTRALIAN PHOTO CARD BILL 2013

Second Reading

Resumed from an earlier stage of the sitting.

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [5.08 pm]: I am pleased to support the Western Australian Photo Card Bill. A number of organisations and constituents have raised this issue with my electorate office in recent years. Organisations such as the National Seniors Association, the Association for Independent Retirees and the Council on the Ageing have raised it with me. The reason that we need to introduce legislation of the kind contained in this bill is that when an elderly person makes a decision that driving is beyond them or, as is often the case, illness or a change in their life circumstances means that they no longer feel safe to drive, they give up so much more than the bit of plastic that was their driver's licence.

If a person does not have a valid passport or does not want to renew their passport, or if a person does not want to have to carry their passport with them all the time, they lose a lot more than their licence to operate a vehicle—they lose the recognised identification that is required by all sorts of regulatory bodies, including banks. If a person wants to move from a joint account to a single account, or change from a signature to a PIN on their credit card, a great amount of weight is placed on the provision of a driver's licence to prove that the person is who they say they are.

People also need a form of identification if they want to work as volunteers, as many seniors do when they are no longer in the paid workforce or their families have moved on; if they want to check in for the purpose of boarding an aircraft; if they want to send a parcel or transfer money; if they are responsible for picking up their grandchildren from child care or school and they need to set up that process; or if they want to join a club that requires the presentation of identification.

Seniors organisations have identified that the transition period for people who no longer have a driver's licence is often very difficult. COTA WA, in its submission to the government for the state budget 2012–13, said —

For older Western Australians, mobility is a fundamental prerequisite for maintaining autonomous living and important for all types of activities outside the home environment. They need access to reliable transport—whether private or public.

Not all older people are able to continue driving and, like all transitions, this can be a difficult time for the former driver and his or her family.

COTA WA said also —

For an older person, the loss of his/her driver's licence is a severe limitation, which may result in social isolation and the inability to access both services and necessities of life.

COTA goes on to say that more work needs to be done to improve the public transport system, because it is a vital part of what seniors need to rely on when they lose their driver's licence. COTA was calling at that time for the government to fund programs to meet the mobility requirements of seniors who have lost their driver's licence or do not have access to a private car, and the commissioning of a study to look at what being well served by public transport means for seniors. COTA makes the point that people undergo a significant transition when they either make the decision to give up their driver's licence or that decision is made for them. This bill will go some way towards making things easier for seniors because it will enable them to provide an alternate form of identification. Therefore, for those reasons, we will be supporting this legislation.

This bill has been talked about for some time. When I was seeking to find out when the government first announced that it would bring in this bill, I found an article dated March 2010—four years ago now—in the *Wanneroo Times* about how the member for Kingsley had raised this issue in state Parliament and said that a photo identification card with the status of a driver's licence would soon be available. We have had to wait four years for that, but I am glad we are finally getting close to achieving that result.

It is important that we do not stop with this one measure. This measure is important, and we need to get on and do it, but we need to do other things to assist seniors at that point of transition when they are either forced to or choose to give up their driver's licence. That transition period may last for a while. We are all familiar with seniors who do not want to give up their driver's licence but adjust their socialisation and their driving habits over time. Seniors may start the transition process by driving only during the day and not at night and by not driving into the city and at peak times because they are nervous about what that might mean for them. That transition period may last for a couple of years. We therefore need to do more for seniors than just provide an alternate form of photo identification, although that is a good thing. I invite the parliamentary secretary to advise us what other measures the Department of Transport is undertaking to help seniors and how it has responded to

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COTA's request for the 2012–13 budget that further work be done to assist seniors during this important time of transition. I look forward to the parliamentary secretary giving us the answer to those questions. With those remarks, I indicate my support for the bill.

HON SIMON O'BRIEN (South Metropolitan) [5.17 pm]: I want to make a brief contribution to the debate on the Western Australian Photo Card Bill 2013. I am delighted that this bill has finally completed its gestation period. That is a credit to those officers who have endured so long and indeed lived so long that they have finally seen this bill arrive in this house. I heard a while ago from Hon Ken Travers that Hon Margaret Quirk, the member for Girrawheen, has been a champion and an enthusiastic supporter, I imagine —

Hon Stephen Dawson: She is a champion.

Hon SIMON O'BRIEN: — of this particular bill. Hon Stephen Dawson should have let me finish my sentence, or he might find that he has put the punctuation in the wrong area. I was saying that the member for Girrawheen has been a champion of this measure. I did not say that she is a champion. The member might have that view, and perhaps she is a champion. I also acknowledge, as Hon Ken Travers said, that Margaret Quirk has taken an active interest for a long time in promoting a readily accessible photo identification card or a similar mechanism. In fact, from listening to Hon Ken Travers, one would think that she was the sponsor of this bill. We have to go back to about 2007 or early 2008 when the Australian Labor Party, and I think at that time Minister Quirk, might have had a chance to bring in this bill. That is going back a long way indeed. However, that is not to detract from any support or enthusiasm for the bill.

Hon Ken Travers: Did you take the original drafting instructions to your cabinet by any chance?

Hon SIMON O'BRIEN: I will tell the honourable member a bit about the history of this bill, while preserving cabinet confidentiality.

Hon Ken Travers: Let us all get around the fireplace!

Hon SIMON O'BRIEN: Yes—we will all get around the fireplace and sing *Kumbaya*.

Because there is such interest in this bill, I will explain a bit of the history. In my opening remarks, I congratulated those public servants who were in on this bill at the beginning and who have not retired or died of old age and are still here, because it has taken a long time. The bill before us and the policy that informs the bill is supportable. Putting all levity to one side, the authors of the bill have provided a masterpiece of drafting and a piece of bureaucracy that covers all the basics, and that is a credit to them.

I cannot believe how long it takes for these things to come to fruition, but that is the nature of the system that we have. The checks and balances are necessary to protect the public from members of Parliament keen to legislate prematurely in these matters.

I certainly acquired a very active interest in this area a few years ago when I was simultaneously Minister for Transport and Minister for Disability Services. Many people with disabilities are confronted with the sort of identification problem that has already been alluded to in this debate, which provides a good snapshot of what successive governments and successive ministers and members have tried to do. Many people with a disability, be they young or old, find that they need identification for a whole range of reasons. However, because they cannot obtain a driver's licence, they find it difficult to have a piece of identification that is readily available and able to be provided when required. Let us make no bones about it; although it is not intended by law to be a form of identification per se, the Western Australian driver's licence is just that. That is how it is treated in a whole range of circumstances, including dealing with government departments that have nothing to do with people actually driving a motor vehicle.

I made some inquiries about this matter when I was Minister for Transport because I thought I may be able to do something. I discovered that the arrangements in place were, quite frankly, inadequate. As members will note from the documents that have been provided with the bill, the photo card provided for in this bill will replace the existing government answer to the problem; that is, the proof-of-age card. When I first inquired about this, the proof-of-age card was, if my memory serves me correctly, within the province of the Department of Racing, Gaming and Liquor, or its predecessor at that time. It did not actually fall to me, which I thought was ironic. We were trying to find a solution for people with disability issues who could not obtain a driver's licence and I was the Minister for Transport cheerfully opening licensing centres and what have you —

Hon Ken Travers: The government does not do that anymore; it closes them.

Hon SIMON O'BRIEN: I do not know if they are closing any but there have been plenty of ribbons cut.

Hon Ken Travers: Not since the member left the job as minister.

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Hon SIMON O'BRIEN: I will take Hon Ken Travers around and show him a few plaques and things.

Hon Ken Travers: The place has gone downhill since you left; that is all I can say.

Hon SIMON O'BRIEN: If the member had entered into these sorts of mutterings earlier on we could have given him an extra 15 minutes to complete his remarks. I acknowledge his very kind, if somewhat tongue-in-cheek, interjections.

Hon Ken Travers: There is nothing tongue-in-cheek about it; you have been the best transport minister that the Barnett government has had.

Hon SIMON O'BRIEN: Many of us have often said that Hon Ken Travers talks a lot and often. But, if you allow him to keep doing that he will eventually say something that makes a lot of sense. I thank him for his last remark.

The proof-of-age card was the province of the Minister for Racing and Gaming. I said that I wanted to do something about it because I had an interest. The only problem was that Department of Racing, Gaming and Liquor got a bit territorial and did not want to give up any of its bailiwick. That was stalled and I was disappointed. Nonetheless, we at the Department of Transport—as it was created—put our minds to the problem. At the time I pointed out that the Department of Transport had a licensing function which was a very major part of the department with most of the machinery already in place—the legislative apparatus required; a driver's licence system and applications with the capacity to produce drivers' licences; a network of centres and other ways of interacting with the public; a recognised function and purpose; and all the rest. To me, it all seemed ready to go, if we could harness the capacity to do it. It was pointed out that these things are often not quite as easy as they sound. The department began applying itself to the question of how we could make some sort of system work to get the outcome that everyone on all sides knew ought to be achievable rather than find deficiencies in the legislation or reasons to not do it.

It occurred to me that there was perhaps a simple way to do this. There were people—such as those the Leader of the Opposition referred to—who felt they had to forego their driver's licence because of their age and for safety reasons. Those who did so responsibly were then left without a well-recognised form of identification. As everyone in the licensing area of the department knows, there are a lot of seniors out there who keep their drivers' licences for a lot longer than they actually use them for driving. They have given up driving but they keep their licences as a means of identification. I thought the simple thing to do was to recognise that a driver's licence was de facto used by everyone as a means of identification and to have a driver's licence category—it sounds a bit silly—of identification only. Currently drivers' licences state, by a code of letters that I am not immediately familiar with, whether the holder can drive a truck, a motorbike, a manual or automatic car and so on, so what about a driver's licence with a category of “for identification purposes only”.

Hon Ken Travers: A driver's licence to say that you can't drive.

Hon SIMON O'BRIEN: Indeed, it is an apparent oxymoron; but that is the sort of thing that we were trying to achieve.

Hon Peter Katsambanis: What about a photo on the Seniors Card?

Hon SIMON O'BRIEN: No; I thank the honourable member for his interjection, but when we talk about identity documents a driver's licence, for example, is subject to more rigorous requirements. Indeed, we have a lot of legislation that underpins that and creates offences and so on. We now have the Western Australian Photo Card Bill 2013. This is the instrument that has been created by the experts at the Department of Transport—a fine department created in 2009 with the inspired decision of, not this government, but a previous government. This instrument will bring to life and give form to all of the aspirations that we have heard about during the course of this debate.

I support the bill. I am glad that the weight of opinion has shifted within government to take responsibility for this matter away from the Department of Racing, Gaming and Liquor and into the Department of Transport where it belongs, because it has the expertise. It is creating something that I think will look a heck of a lot like a driver's licence. We will have all the functions that are prescribed in the bill. I certainly support the bill, and I am glad that everyone else seems to as well.

One issue that has arisen is the question of licence fees. I want to say a couple of things about that before I conclude. I noticed from the second reading speech that the photo card will cost approximately \$35 and will be valid for five years, which of course is around \$7 a year. When one compares that with the current cost of a driver's licence, which I am sure all of us have on our person now, that is a pretty good price. I think it reflects the cost of actually providing the service—it is cost recovery or, I suspect, possibly even a little less than cost

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recovery; I do not know. But it should be about cost recovery. Let us not be too twee about this; someone has to pay for this. Those who get the undoubted benefits should be the ones who pay, subject to any government policy that provides for those who have a requirement but a difficulty in paying caused by limited circumstances not through any fault of their own. When talking about people who have issues with disability or who are geriatric, they may well comply with membership of a concessional group, and that is fair enough. Nonetheless, to the extent it is possible the system should pay for itself. Comparing the licence fees for other categories, it seems at face value to be fair enough. Currently, an ordinary licence for one year is \$39.50, and for five years it is \$125. That is to renew an existing licence. As members can see, there is in effect a bit of a discount to take the five-year option. That reflects the fact that the recording fee and whatnot is only done once rather than every 12 months.

Hon Ken Travers: The delegated legislation committee would have you over the coals if you tried to charge for —

Hon SIMON O'BRIEN: I was looking at this through delegated legislation—coloured glasses, member. I also noticed that when we look to the pensioner or senior category, it is \$12.50 a year and \$62.50 for five years. Again, there is no discount for the five-year option. With respect, I do not think there should be because they are already receiving the service at a subsidised level below cost recovery, presumably. That is why the five-year fee is simply five times the annual fee. There is also a category, from looking at the website, separate to that one I mentioned, for age pensioners. Whether it is for one year or five years, there is no fee.

Hon Ken Travers: So no discount.

Hon SIMON O'BRIEN: Indeed, no discount.

Hon Ken Travers: That is the category that we are most concerned about; the fact they are then charged for this card.

Hon SIMON O'BRIEN: It strikes me, member: why should there not be parity? I have taken some minutes out of members' lives to explain my version of some of the history for just that purpose: to explain how we got to this point. The fact of the matter is there is a machinery of government to be set up to deliver this service. It needs to be paid for and it needs to be paid for, by and large, by the users, but recognising that when there are equity issues across other similar government concessional areas, the same probably ought to apply here. I will be interested to hear the government's response to the proposal by Hon Ken Travers that has just appeared on a supplementary notice paper. I do not know whether the paper has been distributed in the chamber, but it is certainly on the web.

Hon Ken Travers: I think it is around the chamber.

Hon SIMON O'BRIEN: I understand that it proposes similar concessions and specifically no fee. I beg your pardon; I do not have the document in front of me now, but it is to have similar concessions available for the photo card that are available —

Hon Ken Travers: You cannot charge more for a photo ID card than that person would pay for a driver's licence.

Hon SIMON O'BRIEN: I thank the member for reminding me of the approach he has taken. That seems a very good suggestion for debate. At face value, I cannot imagine why the government would want to oppose it. We will see what happens when that comes up. I think it is a legitimate thing to do; that is, to have parity or equality in how we treat different concessional groups, whether it is drivers' licences or photo ID, because they are basically in many ways much the same thing and for the same purpose.

I am very pleased to see this bill in this place. To everyone who has ever shown any sort of enthusiasm and —

Hon Stephen Dawson: Including Margaret Quirk!

Hon SIMON O'BRIEN: Including Margaret Quirk; and contributed in spirit, if not in deed, to progress the matter —

Hon Ken Travers: A room full of champions for this legislation!

Hon SIMON O'BRIEN: A room full of champions; I think we now need to proceed with the second reading and hopefully we will be able to bring this to the members of the public who need it.

HON LYNN MacLAREN (South Metropolitan) [5:37 pm]: I want to join the throng of voices in support of the Western Australian Photo Card Bill 2013. Obviously, some of the issues canvassed are of interest and I basically will go into a bit more detail on Hon Ken Travers' concern about the use of the data. In saying that, the Greens are very glad to see that photo cards will be available for people who do not have a driver's licence or a

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passport early next year, or is it now early this year? As Hon Ken Travers said, this was brought up at the end of last year, so my notes might not have been updated from that time. I will only briefly touch on the issue that was raised with me regarding data security.

I consulted with stakeholders. The Council on the Ageing Western Australia Inc want it on the record that it really welcomes this initiative. There is a need for people to provide 100 points of ID if they want to set up banking facilities or transactions and they do not have a passport or a driver's licence. However, the concern that was raised with me relates to clause 20, "Agreements for performance of functions". Clause 20(1) states —

The CEO —

Of the Department of Transport —

may enter into an agreement providing for the CEO's functions ...

(2) The agreement may be with the Commissioner of Police, a local government, or any other person or body, —

This is the important part —

whether or not the person or body has itself functions of a public nature.

If we are to look at that, it would be important for us to ascertain—as Hon Ken Travers raised in his concerns about organisations that are contracted to do public things, such as Serco—how our data will be secured and protected.

Hon Ken Travers: The interesting thing about the point you make is the fact that they name a couple of categories and then they say "but anybody else". So they try to give the impression that it is going to be these responsible bodies but then it can be anybody.

Hon LYNN MacLAREN: Exactly.

Hon Ken Travers: So why not say that you can go to anybody in the first place?

Hon LYNN MacLAREN: We may wish in committee to amend in clause 20(2) the final phrase "whether or not the person or body has itself functions of a public nature". What is the intent there? Why does the bill allow anyone with other functions to access data that identifies a person? Only last night on the news we heard about a spate of identity theft in Western Australia over the last few weeks. I draw that to the chamber's attention. It appears that clause 20 allows the CEO to privatise the use of the card and the data associated with it. We have to question whether that is responsible and we have to know the reasons behind it before we would approve of that. In fact we may never approve of that. It is very concerning to me. If the associated data is kept in the hands of the relevant department and it retains ownership of the data, the existing controls that public institutions must adhere to in maintaining confidentiality will be maintained.

In a rapidly changing environment concerning data security, perhaps it is better that governing arrangements for such data be regularly scrutinised. Are we looking at those arrangements regularly to see how data is being used? Perhaps we could even have a reporting mechanism back to Parliament about that. The concern I have is that, despite the protection of confidentiality required under the bill, we are all too aware of the scope for hackers to gain unauthorised access to data, and that the scope for such access increases when data is in private hands because it does not have the extra protections that governments provide. I draw the chamber's attention to and acknowledge that a WA data protection act may reduce the likelihood of this but, should data be accessed by hackers, it would be both an intrusion of privacy and a potential danger to cardholders. This is important, because the people who are more likely to take advantage of the photo card scheme are also more likely to be vulnerable and disadvantaged, and least likely to be able to deal with the consequences of having their personal data compromised. If such data is processed or stored abroad, for example, there would be neither a safety net nor recourse to Western Australian laws, such as a WA data protection act. If WA or Australian law does not apply in the jurisdiction where data has been compromised, what are we to say to those whom we are encouraging to get a photo card ID? Those security measures may be specified in the contract with an outsourced provider, but the effectiveness of them would be limited by how far the law can reach. I have made that point, but I do ask, and I would like the minister's representative to address the question: what recourse will an individual have if there is a security failure leading to that security theft?

The bill seeks to provide help to those who need proof of identity. As I mentioned, the Greens completely support this bill, but the government should not at the same time fail to put in place those safeguards to protect identity theft. That is all I have to say.

HON PAUL BROWN (Agricultural) [5.43 pm]: I rise to speak on the Western Australian Photo Card Bill 2013 today because I believe that a good number of constituents in my electorate, the Agricultural Region, will

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benefit greatly from this bill. A number of groups that will benefit come to mind immediately. One group foremost in the conversation today has been seniors who either do not currently have a driver's licence or have some sort of disability that precludes them from having a driver's licence. This bill will enable them to have security over their identity when they are going about their daily business. Another group in all our electorates that will also benefit greatly from this bill is students. A lot of students who leave school and enter the mature world do not have a driver's licence and may not have a passport. This bill will enable them to have photographic ID to go about their normal daily business with some sort of security.

As I said before, there are also in our communities citizens with disabilities who are unable to afford the luxury of a driver's licence or a passport. Most people access a passport only when they are going overseas. They do not access a passport to go about their normal daily business. It is very expensive and it is a very cumbersome item to carry around. As Hon Ken Travers alluded to in his speech, people do not want to have a passport stuck in their pocket. It is a very valuable document and certainly not a document people want to carry around with them every day. People with disabilities may very much want to go overseas but do not necessarily get that opportunity. Without a driver's licence, the only other realistic way of acquiring 100 points of identification is to apply for a passport. This bill ticks off all the boxes for them as it will enable them to obtain photographic ID.

Other groups within our electorates will benefit from this bill—I am sure Hon Stephen Dawson will back me up on this. Our electorates have a number of constituents with Aboriginal heritage who also miss out on obtaining photographic ID either because they have not got around to getting a driver's licence or cannot afford a passport. Once again, this photo ID card is a very cheap option to enable them to go about their daily business. A lot of those people from my electorate, and even more from the electorate of Hon Stephen Dawson, have to travel a long way from town or from their community to access government services, or even private services, for which they need photographic ID. For them this bill is a win-win. For a nominal fee they will be able to access secure ID that will enable them to go about their business each day without the fear of being turned away by government agencies or by private business.

I have another concern. My wife is a pharmacist and is required by regulation to ask people in her pharmacy for photographic ID when they are shopping for pseudoephedrine-based medication. It does not matter which group people find themselves in—young, elderly, of Aboriginal heritage or disabled—they require photographic ID in a pharmacy to obtain pseudoephedrine-based medicine. This enables the community to prevent pharmacy shopping. As we know, there are nefarious types in our community who shop at pharmacies up and down the highways and the roads for pseudoephedrine to make methamphetamine. This bill will therefore enable our law-abiding citizens to access medicine from a pharmacy without the fear of retribution and without the fear of being turned away.

Hon Simon O'Brien alluded earlier to fees for the photo ID card. I happened to be on the department's website just prior to the member bringing up the issue of fees. A trap for beginners looking at government department websites is not scrolling all the way down to make sure they have all the information. I was making some notes and I did not scroll down far enough to see that the fee for age pensioners was zero. I was going to stand up and rail against Hon Ken Travers for making a mistake on that, but I was wrong. That will teach me that I should scroll down a bit further on the iPad to make sure I get the right information.

Hon Ken Travers: I am sure it is a natural occurrence for others!

Hon PAUL BROWN: I will walk away from here tonight saying that I learnt something today!

Hon Ken Travers: That Ken Travers never gets it wrong!

Hon PAUL BROWN: No! I will relax later thinking about that. I will walk away from here, having learnt to scroll down a little further on the iPad. Accessing information on the iPad is not the same as reading from a document that is in front of me; there is a little more information at the bottom.

Hon Ken Travers: It is only in one category and it is confusing.

Hon PAUL BROWN: It is, because it contains not only the seniors' area, but also an area for age pensioners. Nonetheless, I imagine that most people in our electorates would not fear paying \$7 a year for the ID card. I do not want to be flippant about other people's money, and I understand the point made by Hon Ken Travers and Hon Simon O'Brien that there is probably scope within an amendment to allow for the same fee to be applied to the photo ID card as currently applies to the licence fee for the aged, and I suggest that \$7 is not a large fee to pay for a secure ID. In saying that, conversely, \$7 is not much for the government to waive.

Hon Ken Travers: If you are an age pensioner, it can be a lot. There is also the principle that people will pay more for one than the other.

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Hon PAUL BROWN: I am not trying to be flippant about other people's money and I appreciate that every dollar in the bank account of an age pensioner—or any pensioner for that matter—is very valuable to them. I am alluding to the fact that \$35 over a five-year period—I have not done the sums for a daily or weekly figure, but it is \$7 a year—is a fairly reasonable cost to expect anyone to pay, that is, if the proposed amendment is not passed.

Hon Ken Travers: And as long as that does not go up! That is the estimate, but I have seen a lot of government figures blow out between the initial estimate and the final reality.

Hon PAUL BROWN: I agree with the honourable member, but I will deal with what is in front of me and I will let Hon Ken Travers deal with the hypothetical.

The other point about the full-cost recovery photo ID card is that it is voluntary and nobody will be forced to sign up. When people apply for a photo ID card, they are fully aware there is a fee. The government is not forcing this card upon people. It is a fully voluntary manoeuvre for people to pay that \$7—if they want a photo ID card. Aged citizens within our electorates may choose to keep renewing their driver's licence. If it is free and it continues to be free, why would someone give up their driver's licence? Even if people do not use their driver's licence, at least it is a valid form of ID. It will cost seniors and other people who have drivers' licences \$25 a year, or if they opt for a five-year licence they will receive the senior discount and pay \$12.50 a year. We might find people rushing to throw away their driver's licence, which costs a minimum of \$12.50 for a senior; they will not renew it and will move to the photo ID card, which is more to the point of what Hon Ken Travers just suggested. If that is the case and more people move away from having unnecessary photographic drivers' licences and move to a photo ID card as their preferred method of ID, hopefully that will not put upward pressure on the system and we can have the photo ID card remain at the reasonably low fee of \$7 a year. I commend this bill and the bipartisan support it has received.

Hon Stephen Dawson: Multiparty support!

Hon PAUL BROWN: I do not know the correct term—bio, mono, unilateral, bilateral or whatever the member wants to call it—multilateral! It is great to see that for once we are all singing from the same hymn sheet. I will leave the belief that this is a sinister bill to Hon Lyn MacLaren and others. I see benefits in this card where others see darkness and cynicism. I commend the bill to the house and look forward to voting in favour of the bill on behalf of my constituents.

HON STEPHEN DAWSON (Mining and Pastoral) [5.55 pm]: I, too, am pleased to stand in support of the Western Australian Photo Card Bill 2013. I, too, think it is a great thing that members around the house support this bill and are basically of one voice at this stage. I hope it continues and that throughout this parliamentary term we support each other on many pieces of legislation, but I dare say that might not be the case. However, I am pleased to say that I support this bill and will give members some of the reasons for that.

Members in this place will know that I am a fairly recent convert to driving. I have not always had a driver's licence and being also reasonably young still, being in my thirties, until a few years ago, before I started here, I did not mind going out on the weekend to Northbridge, the Roey, or wherever it might be in my electorate. I have always appreciated a beer and have always liked to go out. Over the years, certainly not in recent years, I have been asked for identification when I have gone to some licensed premises and I have not had a driver's licence. Even though I am balding and ageing, some places still ask me to provide ID, and I am pleased to say that I now have a driver's licence to show them. I have been balding and ageing for a few years and it has been a struggle at times to get into some licensed venues. It is not just me—I am being frivolous now—and many young people throughout the state are faced with this challenge. Many young people do not want to bring their passport out on a Friday or Saturday night; in fact, many young people do not have a passport to bring out. This bill is certainly good for those people and for many Western Australians. Young people will benefit, and members in this place have mentioned seniors who will benefit, and Aboriginal people will benefit from this bill. I concur with Hon Paul Brown, although I do not agree with the reasoning he gave. Some Aboriginal people cannot get a passport or struggle to get a passport. For example, the member for Kimberley in the other place, Josie Farrer, MLA, for years failed to obtain a birth certificate. She did not have a birth certificate, so she struggled to get a passport.

Hon Paul Brown: In my speech I was not precluding any other reason; I just wanted to be brief.

Hon STEPHEN DAWSON: I know that the member was speaking from the heart and I do not think he was being frivolous. Producing a photo ID is a struggle for some people, and hopefully this bill will help those people. At the moment, anyone over the age of 18 can apply for a proof-of-age card.

Sitting suspended from 6.00 to 7.30 pm

Hon Sue Ellery; Hon Simon O'Brien; Hon Lynn MacLaren; Hon Paul Brown; Hon Stephen Dawson; Hon James Chown; Deputy President; Hon Ken Travers; Deputy Chair; Hon Kate Doust

Hon STEPHEN DAWSON: Before the dinner break, I had just commenced making a few remarks about the Western Australian Photo Card Bill 2013. I had indicated my support for the bill; indeed, I had indicated that I thought it was a good bill. I have a number of questions about the bill and hopefully the parliamentary secretary can address them when he speaks or they can be addressed during the committee stage of the debate.

Before the break, I was talking about the fact that I was a late convert to driving. I have had issues over the years with getting into licensed premises because I did not have a driver's licence. I have had to resort to using my passport on a number of occasions to enter some of these establishments. Many young people in the state have to use their passport on a regular basis because they do not have a driver's licence to get them into a facility. I know that there is a proof-of-age card and that has been helpful for people. I certainly used that in the last few years before I had a driver's licence, but before that I used my passport.

A number of members have spoken about the cost of the WA photo card, which is the new card to be issued under this bill. The new fee will be about \$35 and the card will last for five years. I have lost my passport on numerous occasions. A passport costs about \$240, and if a person loses their passport, they have to pay an extra fee of about \$100 for the first passport and \$200 for the second passport, if they are so unlucky as to lose more than one. If a person has relied on a passport to get into licensed premises, it can be a costly exercise if they have to get a replacement. That is one of the reasons that I think this photo card is a wonderful initiative. As members have said, there are issues about the cost of this card when compared with the cost of a driver's licence. Obviously, the cost of a driver's licence today is \$39.50 for one year and \$125 for five years. I dare say that those fees will increase as of 1 July 2014, but at this stage it is \$39.50 for one year and \$125 for five years. The fee for the photo card will be \$35 and it will last for five years. That is a big difference in cost. I hope that the cost of a photo card does not increase over time so that it becomes comparable to the cost of a driver's licence, because then it would be an impediment for many Western Australians. I know that some members have said that if the \$35 cost is spread over five years, it is only \$7 a year and so it is not very costly for people. I make the point that for some people in this state, \$35 in one go is actually a sizeable amount. Just because members in this chamber can afford \$35 in one go does not mean that everybody else can. I think that \$35 is fair. In states such as New South Wales, similar cards are free for Seniors Card holders, war widows and some recipients of Centrelink payments. This state should look at that system and try to assist people on pensions or Seniors Card holders to ensure that they, too, can access these cards.

At the moment, application for a proof-of-age card can be made at a driver and vehicle services centre or the DVS agent in regional areas. In my electorate, there are agencies in Broome, Carnarvon, Exmouth, Kalgoorlie, Karratha, Kununurra and South Hedland. Perhaps when the parliamentary secretary talks at a later stage he can assure us that the new photo cards issued under this bill will be available in the very same outlets in regional areas. I want to make sure that people in regional Western Australia have access to these cards, because I think they are a good initiative.

Many young people in particular struggle with the 100-point identification system. It is commonly used now. Banks and a range of other organisations use the 100-point identification system. It is often difficult for young people to produce primary identification. This is another reason why I think the new photo card will be helpful and beneficial to young people around the state. I have a question about whether financial institutions will accept this card as a form of primary identification. I seem to recall—it has been a while since we have been in this place—that that issue was raised in the media last year. At that stage, I do not think—I might be wrong—this new card was going to be accepted by banks. Perhaps the parliamentary secretary can bring us up to speed on that. If that was the case, hopefully it is no longer the case and these cards will be accepted by financial institutions as a primary form of identification.

The other element of this new card that I like and I think is great is that people will be able to get two cards.

Hon Ken Travers: One for your little brother?

Hon STEPHEN DAWSON: No; it is two cards for one person. A young woman who goes into Northbridge can have one card with all her details on it. I look at Hon Liz Behjat when I talk about young women! When young women are in Northbridge, they can come across unsavoury elements. I think it is a good thing that they can have a second card that will have basically their name and their date of birth.

Hon Jim Chown: You can have your name, photograph and age on one card and you can apply for another one with your home address.

Hon STEPHEN DAWSON: I think people will be issued with a card with their home address and they can apply for a second card that will have a limited amount of information.

Hon Jim Chown: No; it is the other way around.

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Hon STEPHEN DAWSON: Is it the other way around? I thank the parliamentary secretary for pointing that out. It is a good thing.

I rarely go to nightclubs, but I know from talking to young people that a range of nightclubs and pubs in Northbridge scan a person's card as they go into the establishment. I do not have the same view as Hon Lynn MacLaren. I am certainly not a conspiracy theorist; however, it concerns me slightly that a person's ID is scanned on the way in and that information is shared with a range of facilities in Northbridge. I do not know what happens to that information after that night and whether it is kept. I would feel safer if young people have two cards, one of which has less information and does not include their home address. It would be one less risk for young people. I fully support that.

I have a question about the cost of the second card. In the notes that I read before the parliamentary recess I did not come across the cost of the second card. I certainly hope that the second card will have a reduced fee. I hope that people will not have to pay the full price again—the \$35. If the fee was around the \$10 mark for the second card it would make it worthwhile and more affordable for a young person. It really is young people who are likely to be getting a second card; it will not be oldies, and I do not think that Aboriginal people will take up this offer across the board—young Aboriginal people may take up this offer. I had a question about the second card and a number of members tonight raised the issue of a concession fee for holders of a concession card. At this stage, the bill does not have a reduced fee for concession-card holders and I think that this is an issue the government has to consider, because I think we should be following in the footsteps of the other states that have a reduced fee for some members of the community. All in all, I have some other potential questions if we go into committee stage, but I am happy to say that I think this is a good initiative. Certainly, if this was around a few years ago when I was younger I would have taken advantage of it. I have raised the issue of the card with a number of young people over the past few months and they have said this is a good initiative. I commend this bill.

HON JIM CHOWN (Agricultural — Parliamentary Secretary) [7.42 pm] — in reply: It is a sad indictment on today's society that upstanding citizens of a democracy need an ID card such as the one we are discussing in this house, in debate on the Western Australian Photo Card Bill 2013. Unfortunately, it is a reality. It always surprises me when I am asked for an ID card or my licence because I am me: "Don't you know who I am?" For example, at the airport, when someone goes to hop on a domestic flight somewhere, they hand over their ticket and all of their requirements and they are always asked to show their driver's licence to prove that they are actually who they say they are.

Hon Ken Travers: Surely, they would know who you are?

Hon JIM CHOWN: They would obviously know who you are, Hon Ken Travers, but not me.

I have mixed feelings when I am asked this question because obviously I understand the reason why they are asking for the identification. I feel a bit affronted by the fact that I am being asked for an ID card, then I feel a bit flattered that there might be someone out there in the community who is trying to pretend that they are me.

Hon Ljiljanna Ravlich: Oh, God!

Hon JIM CHOWN: Exactly!

The fact of the matter is that in today's society for a whole plethora of reasons we need some form of identification. We need identification to access minor service requirements. As has already been said in this house, schools require a grandparent to show an ID that they are the grandparent of the child that they are picking up. I can go on further to add accessing bank accounts, stepping on an aircraft and, certainly, for those a bit younger than I am, to access liquor drinking establishments.

I would like to thank all the members in this house for their second reading contributions and their obvious support of this bill. As a matter of statistics, approximately 184 000 people hold a proof-of-age card. It is estimated that if 20 per cent of the 184 000 recipients of the proof-of-age card become photo-ID cardholders, there will be 56 000 applicants once this card becomes available to the Western Australian community. There is obviously a great need for such a card. Community groups that have requested such a card include the Association of Independent Retirees, Alzheimer's Australia, the Association for the Blind of Western Australia and Blind Citizens of Australia. The proof-of-age card, of which 184 000 are circulating, only really targets people—teenagers—who use it to access licensed drinking establishments. The photo ID card is a different card altogether. The application protocols for accessing a photo ID card are very similar to those for getting a driver's licence. There is a bit of a difference between a photo ID card and a driver's licence. The photo ID card application is purely voluntary; if someone believes they need one, they apply for one.

To answer Hon Stephen Dawson's question, there will be a number of outlets throughout Western Australia, including licensing centres, where someone can apply for a photo ID card. I am sure that all the places where

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people can apply will be on the relevant website when it gets up and running. There is no point in going down this track if people who require a photo ID card cannot apply for one. The application process —

Hon Stephen Dawson: That makes lots of sense, Hon Jim Chown, but sometimes governments do not actually operate like that. Sometimes we say “Okay, we will do this great thing but you can only get it there.”

Hon JIM CHOWN: This is a government that tries its best not to operate in that manner.

Hon Stephen Dawson: I am pleased to hear that these cards will be available throughout my electorate.

Hon JIM CHOWN: Why would a government, such as this, upset possibly 50 000-odd people if they could not apply for their photo ID card?

Hon Sue Ellery: Well, the government has upset a lot of other people.

Hon JIM CHOWN: We will not go down this track, because at this stage we are debating the photo ID card, but I will finish this conversation by saying that that may be the member's opinion but it is not the opinion of the majority of the citizens of Western Australia.

Hon Ken Travers: There is a limit on where one can get a SmartRider card because there is a commercial arrangement with the people who deliver them. If the government does the same with these cards, then it will restrict the locations where they are available.

Hon JIM CHOWN: I stand by my statement that applications for photo identification cards will be accessible through a number of centres throughout Western Australia and those centres will be public knowledge on the appropriate website.

The proof-of-age card is not a personal identification card; it is exactly as it states—a proof-of-age card. All that it does is prove that the cardholder is over the legal drinking age so that they can access a licenced liquor establishment. If someone wishes to take the proof-of-age card as proof of identity, that is their choice. The same applies for establishments. To answer another question from Hon Stephen Dawson: it is up to financial institutions—banks—to say whether the photo ID card is an appropriate form of identification for them. The current custom for most establishments is that a licence is proof of a person's identity. As I have already said, the protocols for an application and the approval of a photo ID card are similar to the licence application regime and very high standards are being maintained. I would assume that in time, once these photo ID cards come into circulation, most of the establishments that use a licence as a form of ID will come to understand the legislation and the requirements and will also accept the photo ID card as proof of identity. We have not legislated that these establishments must do so, nor is there legislation out there regarding licences.

Hon Stephen Dawson: Has the department engaged with financial institutions to ensure that when the bill passes they might be more likely to accept it? It would be helpful for people to have it accepted.

Hon JIM CHOWN: The financial institutions would be looking at this piece of legislation, fully aware that it is coming forward. Obviously, any financial institution is there to serve its customers; if they do not have customers coming through the door, they are not doing their job and their shareholders would be asking them questions. I do not see any issue in regard to financial institutions accepting this photo ID card in time, once they understand that the requirements to actually carry one are very stringent.

Hon Stephen Dawson: They might just need a little nudge, so I hope the government is actually involved in conversations with the institutions.

Hon JIM CHOWN: I am more than happy to pass that on to the Minister for Transport and the department. If they want to put out some sort of flyer to the financial institutions stating the facts in regard to the photo ID card, I do not see why not.

Hon Ken Travers: While we are doing that by way of interjection, will it be formally recognised under the National Identity Security Strategy gold standard enrolment framework?

Hon JIM CHOWN: Yes; the protocols are just the same in regard to the gold standard.

Hon Ken Travers: I understand that the protocols are. Will it be formally recognised under that? Anyway, let us do that during Committee of the Whole House.

The DEPUTY PRESIDENT (Hon Simon O'Brien): Yes, I think there is probably better availability for free exchange and discussion as we approach the committee stage; it might be more convenient for all members.

Hon JIM CHOWN: I will work backwards through my notes.

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In regard to Hon Lynn MacLaren's query about the system that holds these ID cards being hacked or compromised in some way, I assure the member that the system involved in the database for approved applications of the photo ID card is the same database used for Western Australian driver's licence applications. It is a database that has very secure protocols and it is checked regularly. If the system was compromised in any manner, as Hon Lynn MacLaren supposed, not only would the photo ID card be called into question, but also every driver's licence in Western Australia would be. Great efforts are made by the department to ensure that the database is never compromised. I am not saying it can never happen, but at this stage it has not happened and I am unaware of it happening anywhere else in similar databases throughout the nation. That is all I am prepared to say on that matter.

Hon Ken Travers spoke about a card issued by Australia Post. I was unaware of the Australia Post card; it was the first time I had heard of it. I have been given some advice, which is that the Australia Post card is an initiative of Australia Post, with which the Western Australian government has no involvement. The government is unaware of why that card is not offered in this state. I guess that may be a question Hon Ken Travers needs to write to Australia Post about. I am not sure what the protocols are in regard to the application of the identity card or proof-of-age card that Australia Post is putting out, but let me once again assure the member that the protocols in the Western Australian Photo Card Bill 2013, as I am sure the member understands, are very stringent and have a very high level in regard to ensuring that the photo ID card that this state is proposing through this legislation will be considered as paramount and virtually foolproof in regard to proving a person's identity.

Hon Ken Travers: When you go on to the Australia Post website, it says it is specifically not available in WA and New South Wales. I prefer our option, because at \$35 it will be cheaper than theirs.

Hon JIM CHOWN: How much is theirs?

Hon Ken Travers: I think it is something like \$50 or \$55, and I think that is per annum, so this is a lot better.

Hon JIM CHOWN: There has been some issue in regard to the pricing of the photo ID card versus driver's licence, and I thank Hon Simon O'Brien for giving a very fair explanation in regard to the pricing. I will not go into it any further, other than to say that a driver's licence, in accordance with the Road Traffic Act, allows people to drive a vehicle on a road; in fact, if someone is driving a vehicle on a public road it is mandatory that they have a driver's licence. The photo ID card application is purely voluntary; it is up to a person whether they need one or not. There is no mandatory requirement to have a photo ID card. In saying that, the cost and the backup required for a driver's licence is far more than a photo ID card. The photo ID card will cost approximately \$35, as has been discussed by members. It will cost \$7 a year, which is about \$1 more than a cup of coffee, depending on where we buy our coffee.

Hon Ken Travers: You must go to an expensive coffee shop! What yuppie hangout do you go to?

Hon JIM CHOWN: I spent my Christmas in Melbourne, and \$3.50 to \$5.50 here is a big difference for the same cup of coffee!

Hon Ken Travers: Don't talk down WA, parliamentary secretary! Talk it up!

Hon JIM CHOWN: I am not talking down WA—absolutely! We have better coffee here, hence the premium price!

What I am getting to is that \$35, yes, for some budgets may be a massive impost. I am sure that most people who need a photo ID card can find \$35 over five years.

Hon Ken Travers: You could use that same argument for a driver's licence for an age pensioner.

Hon JIM CHOWN: As I said, the concession for an age pensioner is a bit different to the photo ID card, and it is voluntary. My mother is not an age pensioner, but she happens to be 90 years old and still drives; if she was an age pensioner she would still be able to drive, and therefore she would need a driver's licence.

Hon Ken Travers: And she then gets, as a bonus, a driver's licence that does the same thing as this card is going to do for her.

Hon JIM CHOWN: She does not need this card because she has a driver's licence.

Hon Ken Travers: But the person that does not have a driver's licence does need the card—that is the point!

Hon JIM CHOWN: Hon Ken Travers raised the issue of privatisation and the issuing of cards. Clause 20 is modelled on section 6B of the Road Traffic Act. Under section 6B of the Road Traffic Act, the director general is able to receive licence payments at some Australian outlets such as post offices et cetera, and local shires in regional areas. In further response to Hon Stephen Dawson, the WA public can access some of the licensing services at these locations. Clause 20 will enable the WA public to apply for photo cards at these locations or at

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any Department of Transport licensing centre. I do not know how many licensing centres there are throughout the state, but I am sure there are more than enough for the requirements of applicants.

Hon Stephen Dawson: So every licensing centre, and where else?

Hon JIM CHOWN: Department of Transport licensing centres and post offices.

Hon Ken Travers had some issues about the contracting of the printing of the card versus drivers' licences. I inform the honourable member that WA photo cards will be produced by the same private provider that currently issues drivers' licences. I will get on to some of the requirements in the bill in response to further questions in a minute. This private provider has been used by successive governments for many years without any issues, and very strict security requirements are in place to ensure that nothing untoward happens during the printing of these cards, be they photo ID cards or the drivers' licences that we all carry in our wallets or purses. This service also provides services to other government agencies such as the police department for the issuing of firearms licences, which is a card that I carry in my wallet, and I am sure Hon Rick Mazza carries a couple!

Hon Ken Travers also asked a question in regard to misuse of the card. Clause 11(4), "Other offences relating to photo cards", states —

A person must not, without lawful excuse, have in the person's possession with intent to deceive, a photo card, or an article resembling a photo card.

Clause 11(1) to (5) deals with a range of offences relating to misuse of the photo card, with a penalty of \$2 500. I bring members' attention to clause 17(4) in response to Hon Ken Travers' query, which reads —

A person employed or engaged in connection with any aspect of the production of photo cards or otherwise concerned in the administration of this Act must not, other than for the purposes of this Act —

- (a) reproduce, by any means, a photograph or signature; or
- (b) cause or permit another person to do so.

Penalty for an offence under this subsection: imprisonment for 2 years.

In effect, anybody involved in the production of this particular card who passes one off or reproduces one will go before a court and face a possible penalty of two years' imprisonment. There are substantial fines and terms of imprisonment for anybody who misuses a Western Australian photo card.

Maybe we can get into the question of the delegation of powers in committee. Other than that, I would like to wind up by saying the amendment to clause 24 proposed by Hon Ken Travers would amend the cost of the card in reflection to the Western Australian driver's licence. The amendment would allow a concessional fee for age pensioners. I have already discussed the reasons why, but the fee will be the fee as stated in the bill. The government will not entertain this amendment.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chair of Committees (Hon Simon O'Brien) in the chair; Hon Jim Chown (Parliamentary Secretary) in charge of the bill.

Clause 1: Short title —

Hon KEN TRAVERS: I just want to follow on from the interchange I had with the parliamentary secretary by way of interjection about how the card will be treated. As I understand it, currently under the National Identity Security Strategy gold standard enrolment framework, which we can call GSEF for the purposes of the debate tonight, a driver's licence is listed as a category B document. Will this identity card become a category B document for the purposes of that national framework?

Hon JIM CHOWN: Unfortunately, not every state has a photo ID card and in fact once this goes through it will only be this state and New South Wales that have one. The national gold framework requires certain protocols, as the member has just explained. We are fairly confident that the process involved will meet the requirements of the gold standard framework for photo ID.

Hon KEN TRAVERS: As I understand it, the requirements will be to present different options for different categories of document and then the photo ID is the document we end up with at the end of the process in the same way as an application for a driver's licence. Is the parliamentary secretary saying that it will be accepted as

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part of that framework or will it only be accepted as part of that framework if every other state does a photo card as well? Will it become a document that is then only accepted in that framework? My understanding is that banks will not be able to use this as an identity document unless it is formally acknowledged by that national framework. It needs to be made clear to people whether this will now become a document that is acceptable to banks.

Hon JIM CHOWN: The gold standard is a commonwealth framework. As I said before, this will be something new in regard to the application of the gold standard. At this stage we are reasonably comfortable that we will meet the protocols for the gold standard, but we cannot guarantee that those requirements will be met.

Hon Ken Travers: Has there not been any engagement with the commonwealth about this?

Hon JIM CHOWN: Not at this stage, because these are state initiatives.

Hon KEN TRAVERS: I will just make this comment. I think the minister is right—I mean the parliamentary secretary; I keep promoting him ahead of time, but when ministers around the place retire a year out, I am sure the parliamentary secretary will get the call under the rotation policy! I am quite amazed that the government has not sought to engage with the commonwealth with respect to this bill. I hope that once this bill is passed it will be proclaimed fairly quickly because I think people have been waiting for it and that is why before the summer break I indicated a willingness to the Leader of the House to ensure it was put through quite quickly, on that last day. I was happy to facilitate it and I think we even sat around for half an hour because I want to see this out and about in the community. I have to say I am absolutely astounded that there has not already been an engagement with the commonwealth to get it to accept this legislation for no other reason than if we have missed something, we could have the commonwealth identify it so it could be put into the legislation today. We should have gone to the commonwealth, told it we are confident that the legislation complies with the national framework and asked it for the tick-off before putting this bill to this house.

When Hon Simon O'Brien gave his speech earlier this evening he gave us a bit of a history of this matter and said that this has not been an overnight bill that we had to rush to get sorted out. I think it shows disorganisation in planning that there was no attempt to try to engage with the commonwealth about whether this would meet that national framework, so if there was anything wrong, we could have factored it in. I just make those comments. Obviously, at this point of the debate there is nothing we can do to deal with this matter. If this bill does not meet those obligations, we will probably have to come back with an amended one. It would be absolutely crazy if it ends up that this card is not treated in the same way as a driver's licence and does not become a category B document for that national framework. In my view it would defeat at least a large part of the purpose of the passage of this legislation. I will not say anything more about it; I just make those points. I certainly hope in future that if things like this are being dealt with, the government will try to be a bit proactive and engage with the commonwealth to confirm that what we are passing meets its criteria and that it intends to add it to its framework.

Hon JIM CHOWN: To add some further information regarding the question of the gold standard, the gold standard acceptance of a card is about the enrolment process. Once the enrolment process meets the criteria, it virtually guarantees that it will be adopted by the gold standard. The gold standard is not legislation; it is administration. Just for the member's information, as I have said previously, the photo ID card application form is similar to that for the Western Australian driver's licence. The Western Australian driver's licence enrolment process has been adopted by the gold standard. With the protocols in place in this bill we are reasonably confident that the photo ID card will also be adopted by the gold standard. Applications have been made to the administrators of the gold standard informing them what is, hopefully, about to take place in this house regarding the requirements of enrolment.

Hon STEPHEN DAWSON: I have been stewing slightly over the answer the parliamentary secretary gave me about consultation with financial institutions. I hope that with some advisers present they may well be able to advise what consultation, if any, has happened with financial institutions. We have certainly known in this place for a number of months that the bill is here. As Hon Simon O'Brien has said, this bill has been in the making for a while. I hope the agency has had conversations with financial institutions because I think one of the benefits of this card could well be that it is accepted by banks as primary identification. Can the parliamentary secretary give us more of a sense about what consultation has occurred?

Hon JIM CHOWN: Without repeating what I have said previously, there has been no consultation with financial institutions about the implementation of the photo ID card. However, as has been stated more than once by various members in this place, the photo ID card involves the same protocols and legislative framework as the Western Australian driver's licence. Applicants will need to provide quite extensive proof of identity requirements before they are issued with a photo ID card. If the photo ID card application process is similar to

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that of a Western Australian driver's licence, it is reasonable to expect that banks et cetera will accept it as proof of identity. Part of the process by the Department of Transport and the ministry will be to write to financial institutions throughout the state informing them that the photo ID card is about to be launched and that the protocols surrounding application for and approval of a photo ID card are very stringent and similar to those of a driver's licence. Whether the institutions accept that is up to them. As I said earlier, it would be entirely reasonable to think a bank or a financial institution with 40 000-odd potential customers with a photo ID card would be very happy with the protocols attached to its approval, which are similar to those of a driver's licence, and would accept it as proof of identity.

The DEPUTY CHAIR (Hon Simon O'Brien): Without giving an opportunity for a rerun of the second reading debate, clause 1 gives some latitude—I am certainly giving latitude—to allow related matters to be canvassed. It is a good opportunity for members to ask the sponsoring member at the table how the government will implement this Western Australian Photo Card Bill when it passes. Although there is the capacity to ask questions about the sort of consultation, I am having difficulty relating that to specific clauses of the bill. Members are highlighting that there is other work to be done, but the time does come to move on to what is in the bill. I remind members that there is capacity to ask questions and receive answers but then we need to get on with the bill itself.

Hon KEN TRAVERS: Once this bill is passed, what will the government do to make financial institutions aware that this card is now available? I suspect that if there is no information campaign, and they are not aware of it or of the security provisions or checks and balances, they may reject it for a while. Is there a plan by the government to promote and market it among financial institutions and other bodies it thinks this will be of benefit to?

Hon JIM CHOWN: As I have already stated, there is an intention to write to all these institutions informing them of all the requirements for application and approval of the photo ID card. That will be by formal communication. I am sure that will be followed up properly if some of the institutions have any queries about the photo ID card's relevance as proof of ID.

Hon KEN TRAVERS: I imagine there will also need to be some sort of education for licensed premises so they get used to this as an alternative to the proof-of-age card. I feel quietly confident that that is part of the process because of the amalgamation, effectively, of the two cards under this legislation.

Hon JIM CHOWN: A photo ID card is entirely new for Western Australia. I am fairly confident that the community will adopt it in time. With any new process, it takes time for people to understand what is being provided, its availability and how to access it. That, of course, is about letting it be known in the wider community. I do not see any government of any persuasion not providing this information about something that will be of benefit to 40 000-odd people in the state.

Hon KATE DOUST: Unfortunately, I did not have the opportunity to raise any matters during the second reading debate. We recently heard media stories about identity theft occurring in the metropolitan area over the last few weeks. It is very easy for people to scour through mail boxes and extract documents and cards. The bill contains penalties for people who use other signatures or photos. Given the changing technology and the range of cards we all use as part of our daily lives, various types of chips are inserted into the cards for both identity purposes and security of the card. Is there any provision in this legislation to ensure that this particular card is issued only to the person who applied for it and it cannot be stolen or replicated without permission? Has the government thought that far about what sort of technology it will apply in the production of these cards to address the security issues that may arise given the frequency of identity theft? I am curious whether that issue has been canvassed or any work has been done in that space.

Hon JIM CHOWN: The member raises an interesting question. The bill has provisions for the chief executive officer to approve the format of the card. That format currently has a number of security features. In regard to the point Hon Kate Doust was alluding to about an identification chip that is personal to a person —

Hon Kate Doust: I say that as an example. It could be a range of other options.

Hon JIM CHOWN: A number of security features are embedded in the card. The photo card application form has a lot of cross-references with it—that is, the transport executive and licensing information system—similar to licence applications. Obviously, the further steps are taken to make this card secure for an individual, the greater the cost increases. It is as simple as that. There has to be a balance of what is required on the card and the cost for applicants. At this stage, the government is happy that the security features in the card are more than adequate for those people requiring it.

Hon KEN TRAVERS: Is it the government's intention that the database for this card will be the TRELIS database or is a completely new database being set up for recording information?

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Hon JIM CHOWN: It will be a stand-alone database that will sit within the TRELIS framework. I am not an information technology expert but I assume that means that the database will be separate from other databases within the system.

Hon Ken Travers: But interfaced with them?

Hon JIM CHOWN: No, because a separate photograph is required.

Hon KEN TRAVERS: May I suggest that at some point, with photo facial recognition and other things now being put into databases, and photography, that the ability to cross-reference between the two databases will be important in the future. I would not be surprised if cross-references would start to occur to identify whether people have created false identities, with different licences, say because of the picture. I do not know if that is what the government is doing at the moment, but I imagine at some point in the future, if not us, then a future government will hand it all over to ASIO and it will do that. It would strike me that that sort of cross-matching would be useful at some point in the future. I would urge the government when it is setting up the database for this card that there is that interface. I am surprised it is not set up as a subset of the TRELIS database. Unless the parliamentary secretary wants to respond to me on that matter, I will go to another question.

Hon Jim Chown: Are you asking a question?

Hon KEN TRAVERS: I was simply making a comment and asking whether the parliamentary secretary wanted to respond to those comments. I was not specifically asking a question; I was just making the point that as we go into the future I would expect—in fact, I would hope—that one of the things that the department will start to do is a cross-match of the face. As I understand, this bill will provide for facial recognition technology to be built into the material and that would allow for checks to be carried out on whether prisoners who are sentenced to three years gaol are being released after three months to take puppies out for walks and we will be able to find out if they have an identity under another name, like the one that was found in their flat when they were arrested on parole. But I digress.

In all seriousness, that would be a classic case where facial recognition technology could be used to run a quick check on the database to see if someone with the same facial characteristics has another driver's licence under a false name.

Hon JIM CHOWN: Part of the system, obviously, checks for duplications. It is essential that such checking is done, otherwise what is the point of having a photo ID card or even a driver's licence that can be reproduced elsewhere or held by somebody who should not have it? This is part of the system checks that are in place to ensure that people who receive a photo ID card have a valid photo ID card.

Hon KEN TRAVERS: I want to quickly touch on the interface with clause 6(4)(a).

Hon Jim Chown: Are we still on the short title?

Hon KEN TRAVERS: We are, but I want to talk about how a couple of clauses relate to each other, and the most appropriate place to discuss that is under this section.

The DEPUTY CHAIR (Hon Simon O'Brien): Perhaps I misheard Hon Ken Travers, but it sounds as though the matter he wants to raise specifically raises a question under clause 6.

Hon KEN TRAVERS: No, it is ranging across a number of clauses.

The DEPUTY CHAIR: Might it be more appropriate or convenient to raise it when we get to those clauses?

Hon KEN TRAVERS: No, because there are a range of general matters and it is about how a range of clauses interrelate. I think that this is the most appropriate time to do that. I would not do it unless I thought it this was the appropriate place to do it, Mr Deputy Chair.

The DEPUTY CHAIR: Please proceed.

Hon KEN TRAVERS: It is worth being clear that, as I understand, the default position is that the card will show the name, the photo of the person, the date of birth, their signature, and it will be their choice whether they tick a box to have their address included on it. That is my understanding of the card. Then it will also have a signature on it, as I understand, unless it is a person who under clause 6(4)(a) is a person with a disability who is unable to sign because of a permanent disability. I would like the parliamentary secretary to clarify the structure of the card—although I am a happy to leave this part, but I will flag it now—and whether someone who is illiterate will be required, as is traditionally the case, to make a cross or will they be treated as having a disability and, therefore, not be required to have a signature at all on the card? I would like the minister to clarify those issues about the structure of the card.

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The DEPUTY CHAIR: All of those matters will be dealt with when the committee gets into the detail of coming clauses, and that is the more appropriate place to deal with them. We will look forward to that.

Hon KEN TRAVERS: The next point that would have arisen out of that, which relates to how this bill will operate with other pieces of legislation, is that people will have the option of not having their address on this card, but people do not have that option on a driver's licence. Does the government intend to make that option available to people with drivers' licences or, if they want a photo ID without an address on it, will they need to apply for one of these cards?

The DEPUTY CHAIR: The parliamentary secretary may wish to address this now or under clause 8, which is about form and content of the photo card.

Hon Ken Travers: No, because it is about the driver's licence.

The DEPUTY CHAIR: Hon Ken Travers, I have a responsibility here to the Committee of the Whole to make sure that we progress the bill in accordance with the standing orders. The question the member raises clearly falls under clause 8. As is the normal case, I will allow a little bit of latitude, and if the parliamentary secretary believes he can deal with it properly now, I will allow him, or the matter can be deferred so it can be discussed in detail in clause 8. Does the parliamentary secretary want the call?

Hon JIM CHOWN: I am more than happy to address the question regarding clause 8. Obviously, an address is required on a driver's licence because a driver's licence is a licence to drive and there are enforcement issues in regard to infringements under the Road Traffic Act. The member is correct that in regard to a photo ID card a person can either apply for one with or without an address. The reason for that is that an address would be required by most institutions or in most instances when proof of identity is required. The reality is that this will replace the proof-of-age card in time. As has already been stated in this house, a number of people, including younger males and females, will use this card. It will be predominantly females who will not want their addresses taken down when they use this card or have it photocopied to access a nightclub or whatever. They will have the option. They will actually be able to apply for both types of card if they wish.

Hon KEN TRAVERS: I do not want to test the patience of the Chair, but this goes to whether we need to put other clauses into the legislation. If the position is adopted that there is a need for someone to have an identity card that does not have an address on it, my concern, using the parliamentary secretary's example of nightclubs, is that I suspect nightclubs will want to know where a person lives so that if something goes wrong, they can track that person down. Does the current proof-of-age card have an address on it or not?

Hon Jim Chown: No.

Hon KEN TRAVERS: A lot of the hotels scan the cards into their databases and do a range of things with them, including, I suspect, selling them for marketing purposes—they probably do it on the sly.

Hon JIM CHOWN: The proof-of-age card includes a name, date, signature and photo but no address.

Clause put and passed.

Clauses 2 and 3 put and passed.

Clause 4: Eligibility for photo card —

Hon KEN TRAVERS: This is something I briefly raised in my contribution to the second reading debate. I do not understand why we need clause 4(c) in the bill. What possible requirements could there be other than that a person be a resident and over the age of 16?

Hon JIM CHOWN: Clause 4(c) reflects any advances made in technology in regard to cards, databases et cetera. It will futureproof other requirements that we may not even be aware of in regard to photo ID cards. That is the reason for it.

Hon KEN TRAVERS: With all due respect, I find that trying to pass legislation that includes a catch-all clause that will enable the legislation to be changed by regulation for things that cannot even be contemplated today is not the way to do it. My personal view is that we should pass legislation in terms of what we think is appropriate today. Should something arise in the future, the government of the day can then come back and seek the permission of the house to make any relevant changes. This is not about technology; this is about the requirements. In terms of advances in technology, I would have thought that that would be covered by other provisions, such as what the application process might be and the issuing of the card, and in the form and content of the bill. All the other clauses that we are about to go through would come up in terms of future technology. The simple fact is that the eligibility requirements for a person to get this card are that they be a resident in the state and over the age of 16. That is pretty straightforward. My personal view is that if something changes in the

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future that causes us to want to change the eligibility criteria, then that should be a decision of the whole Parliament and should not be done by way of regulation. I will not move to oppose the clause; I just wanted to put that on the record.

Clause put and passed.

Clause 5: Application for photo card —

Hon KEN TRAVERS: The bill contains a whole range of requirements. Under subclause (3), when someone applies for a photo card they will have to provide —

- (a) such evidence as the CEO requires to satisfy the CEO of the applicant's eligibility, identity and residential address; and
- (b) where relevant, a photograph and a signature in accordance with section 6; and
- (c) the prescribed fee.

I have two questions on that. How will these matters that are determined by the CEO be published and made available to people, and why is this simply a decision of the CEO rather than being prescribed by regulation?

Hon JIM CHOWN: These requirements mirror the current requirements for application for a driver's licence in Western Australia.

Hon Ken Travers: That doesn't make it right.

Hon JIM CHOWN: It is accepted practice. The application form and website will follow the gold standard and will be available reasonably soon, once this bill is passed by the Parliament. I think we covered most of this in our response to the second reading debate.

Hon KEN TRAVERS: I am allowed to put on the record that, whether it is in other acts or not, there is a constant move towards removing the role of the Parliament from legislation. I am just making that point. Every time the government brings in legislation that does that, I will keep bringing it up. As the government brings in more legislation and the pile of examples gets higher, the government will be able to quote more and more bills that set the example of it, but it will still not make it right. It undermines the role of this house, of which I will continually remind the conservatives in this house, who so often try to proclaim that they preserve the integrity of this place, every time they unwind it. I again make those points about handing over power to the CEO. This is a matter that could easily have been prescribed by regulation, which would provide a clear process for publication and be very clear to people.

There is another part of clause 5 that I want to briefly raise. Under subclauses (4) and (5), a person cannot apply for an extension of a card earlier than six months prior to the expiry date of the card unless they are applying for a replacement or an additional card. I do not know whether the parliamentary secretary is in a position to tell us what the cost of a replacement card will be. I think that came up in the second reading debate but my impression was that the parliamentary secretary was not in a position to tell us what that cost would be at that stage. I am pretty confident that there will be a cost. This government does not do anything for free these days—everywhere one turns the government is putting its hand in people's pockets to get some more money out of them. There is going to be a cost. I do not understand why there needs to be an exclusion from someone applying for the extension of a card prior to six months before the expiry date of the card. The point I make is that if a person has one of these cards and loses it eight months before it is due to expire, why, instead of paying for a replacement card that will last only eight months, would that person not be able to apply for a whole new card that will last for five years and for which they pay \$35? I do not understand what the problem is in allowing someone to apply for a new card eight or 12 months out from the expiry of their old card, or even four years after buying their first card, rather than applying for a replacement card because they have lost their card and then having to go through the whole process again eight months later. What is the purpose behind subclause (4) and does the parliamentary secretary know what the cost of a replacement or an additional card will be?

Hon JIM CHOWN: The cost of the extra card is yet to be finalised, but going by the cost of a replacement driver's licence, which is considerably cheaper, we assume the extra card will cost less than the estimated \$35.

Hon Ken Travers: What is today's cost of a replacement driver's licence?

Hon JIM CHOWN: I will get back to the member about that shortly. A number of pieces of legislation have provisions similar to the driver's licence application. This clause mirrors what is required for a Western Australian driver's licence. The cost of a replacement driver's licence is \$34.80.

Hon KEN TRAVERS: It is interesting because when we get to the cost for an aged pensioner, I suspect the parliamentary secretary will tell us how this is so different from a driver's licence. We are now being told the

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reason that this is being done is that it is the same as a driver's licence. I still make the point that just because this provision is in another act does not mean it is logical, sensible or right. It may be that a previous Parliament did not pick it up or see it. Rather than just saying that the provision is somewhere else, there must be logical reasoning behind putting in the bill a clause that will have negative implications for people. Hon Stephen Dawson may lose his ID card about eight months before it expires. He may decide to go to the licensing centre to renew it and get a new one for the next five years. By that stage, Hon Stephen Dawson probably thinks he will have his driver's licence and he will be very happy. However, he will be told, "Sorry, you have to pay \$34.80 to get a replacement card for only two months", and he will then have to apply for a new card that will last for five years. That does not make sense. I cannot think of a logical reason for clause 5(4). I ask the parliamentary secretary—I do not want to hear that it is in some other legislation—what the logic is behind the exclusion period that prevents a person from getting a new card issued earlier than six months before the expiry date of the existing card.

Hon JIM CHOWN: The member is getting his As and Bs mixed up, because there is nothing to stop a person who loses his card from requesting a duplicate card. Clause 5(4) stops somebody from requesting a new card, not a duplicate.

Hon KEN TRAVERS: My point is that the government will make them pay \$34.80 for a duplicate card, replacement card or whatever we want to call it that may expire in eight months' time. Why would the government not let people apply for a whole new card that will last for five years? It does not make sense. The thing that amazes me about young people is the speed at which they get their driver's licence. I was at the licensing centre on my birthday to sit my driving test. I got the first available appointment, which was at 10 o'clock, but I was a bit disappointed that I could not get in at 9.00 am. These days a lot of young people do not get their licence until they reach their twenties. There is every chance that young people will get an ID card, but lose it towards the end of the period of that card. They may be looking at getting their driver's licence, but the government is going to put up a financial barrier. One would be reasonably confident that having had their card from age 16, at the age of 21 they would, within the next two, three or four years, get their driver's licence and no longer need this card. Why could they not pay the one fee if they are prepared to lose that eight months and get a new card that lasts until they are 26? The government will make them pay \$70. There is no logic to clause 5(4).

Hon JIM CHOWN: I have listened to the member's debate on this issue. The reality is that if the photo ID card is to receive the same acceptance in the community as an ID card similar to the driver's licence, we do not want to upset the protocols in place, which have worked. We need to maintain in the community a level of confidence. Protocols for applications and approval are proven protocols. Hon Stephen Dawson questioned whether they will be accepted by financial institutions. If we change proven protocols, we will undermine the confidence of some financial institutions.

Clause put and passed.

Clause 6: Provision of photograph and signature —

Hon KEN TRAVERS: This clause uses the term "provision", but I want to be clear. I assume again this will operate almost identically to a driver's licence in that a person will attend at a location and have his photograph taken. It is not like getting a passport and going to a photo booth for a photo on which someone will sign the back. I assume that the only way people can get one of these is the same way as getting a driver's licence. People will have to attend so that someone can take an electronic image that is added to the database and processed. Am I right in that understanding?

Hon JIM CHOWN: Correct.

Hon KEN TRAVERS: I will probably get the same answer in that this is the way it is written in the Road Traffic Act! It is probably time to update the legislation so that it reflects what will happen, because it is all written in terms of providing a photograph when it is the intention of having a photograph taken by an authorised officer for inclusion. I imagine the signature will have to be on a set form. For those looking at this legislation, it will be good to have that explanation. Traditionally, if someone is unable to sign their name, an X is treated as a legitimate signature. Is it the intention that that will still be the case? If someone is illiterate will that be considered a permanent disability? How will clause 6(4)(a) operate in that regard?

Hon JIM CHOWN: The intention is that a permanent disability is a physical disability. An X or a cross will be accepted in the same way as we accept a formal signature.

Clause put and passed.

Clause 7 put and passed.

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Clause 8: Form and content of photo card —

Hon KEN TRAVERS: When someone has a disability and is unable to sign, as opposed to making a mark with an X or a cross, what will the card show? Will it just be a blank space or will it identify it? In trying to maintain that consistency so that people understand it, what provisions will there be for people so that they understand why there is not a signature on the card?

Hon JIM CHOWN: At this stage, the signature will be a blank space. Obviously, it will be self-evident to the recipient of the identification card that the person suffers some sort of physical disability.

Clause put and passed.

Clause 9: Duration of photo card —

Hon KATE DOUST: Given the time it takes to get a card set up, what sort of wait time will there be for people to receive it? Once they have applied for it and their photo has been taken, how long will it be before they get the card in their hands?

Hon JIM CHOWN: The wait time after application and approval will be around five to 10 days. I have just got my new driver's licence. It arrived in my post box about eight days after application. It is envisaged that the time frame will be very similar.

Hon KATE DOUST: Clause 9 refers to regulations. Have those regulations been drafted; and, if so, is a copy of the regulations available?

Hon JIM CHOWN: No, the regulations have not been drafted. In fact, it is normal practice to draft regulations after a bill has passed through the chamber.

Clause put and passed.

Clause 10: Cancellation of photo card —

Hon KATE DOUST: Can the parliamentary secretary explain what circumstances will have to occur for the CEO to consider that the cardholder is no longer an eligible person? Will it simply be that they may have obtained a licence or would there be other circumstances that might have arisen for a card to be cancelled?

Hon JIM CHOWN: The answer to the question is that it is if the CEO considers that the cardholder is no longer an eligible person. As stated earlier in the bill, to be eligible, a person has to be an ordinary resident of Western Australia.

Hon KATE DOUST: So is that the only criterion that will be applied to cancel an individual's card or are there other situations in which a card will be cancelled?

Hon JIM CHOWN: That is an example under clause 10(1)(a). Clause 10(1)(b) states —

if the CEO considers that the cardholder obtained the photo card on the basis of incorrect or misleading information ...

Obviously, if a person has been granted a card and it has been proved that the information that the person put forward is incorrect or misleading, the card will be cancelled.

Hon KATE DOUST: Clause 10(1)(d) states —

on such other grounds (if any) as are prescribed.

What would those other grounds be, aside from those matters that we have already canvassed? What are "such other grounds"?

Hon JIM CHOWN: This is just further futureproofing. An example is that in New South Wales, certain convictions are taken into consideration for the photo identification card. That matter is not policy in this state, but if the policy outcomes change, this will allow future prescription of the requirements for the photo identification card.

Hon KATE DOUST: It is interesting that the parliamentary secretary has raised that point. We have already had the discussion that regulations may be set down. Will a potential list of "such other grounds", as referred to in that paragraph, be prescribed in the regulations?

Hon JIM CHOWN: No, not at this stage. As I said, this is futureproofing the bill. It is as simple as that.

Hon KEN TRAVERS: I was just looking at this clause. If the person feels aggrieved that the CEO has taken their card off them without due regard, where would they take action? Would they be required to go to the Supreme Court or would they have access to the State Administrative Tribunal?

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Hon JIM CHOWN: If the card has been cancelled and the person believes that the cancellation has been done on invalid grounds, there is nothing to stop them from reapplying. They can put forward an application.

Hon KEN TRAVERS: That may be the case, but I thought that a person might be able to apply to the State Administrative Tribunal for a review of the decision if they felt that they had been treated harshly in having their card taken off them. I think that a lot of people would want that right to appeal if they felt that they had done no wrong. If the reason the card was taken off a person was based on incorrect or misleading information, and they believed that the CEO had completely misunderstood their circumstances and wrongly reached a conclusion on the basis of incorrect or misleading information, the CEO would still be likely not to give them a card if they reapplied because they had just had the card taken off them. They still would not have the ability to have it reviewed so that they could say that they did not do anything wrong. A lot of people out there would, say, as a matter of principle, want to have the option of proving or having it considered by somebody else that they never did anything wrong. I am surprised that we do not have some form of appeal to the State Administrative Tribunal.

Hon JIM CHOWN: It would be very rare that this would happen because the gatekeeping provisions on application are fairly stringent. It rarely happens in regard to driver's licence applications, but let us say that it did happen, as the member has alluded to. The normal process in regard to anything that someone feels aggrieved about would be in place. Therefore, they can go and address the issue with their local member of Parliament; they could actually write to the CEO, or write to the relevant minister—that is, the Minister for Transport or the ombudsman.

Hon KEN TRAVERS: But that does not say that the decision can be reversed. They cannot direct the CEO to reverse it. I hope the parliamentary secretary is not suggesting that the minister will direct the CEO to reverse a decision that he has made.

Hon JIM CHOWN: If a mistake is found in regard to the application, and the CEO has deemed that the cardholder's card is not eligible, and it is not, the Interpretation Act actually lets him correct that mistake.

Clause put and passed.

Clause 11: Other offences relating to photo cards —

Hon KEN TRAVERS: I asked this question, but I am not sure whether the parliamentary secretary completely understood the question I was getting to. It may have been the way I put it in the second reading debate; so I accept that. Does the government intend to have a provision in this bill—the only one that I could see that I think fits, is clause 11(4)—that makes it an offence for someone to present a card for use as entry into a nightclub, to misuse one of these cards by turning up and presenting it or using someone else's card to gain entry into a nightclub by suggesting that they are over 18 when it is not their card; is this the section where that will occur or would it be that the person would simply be charged under the liquor act for being under age or the like in the pub? I would have thought that there would need to be some sort of provision for when someone actually improperly presents one of these cards to gain entry; that it should be considered. Is this the section where that would be the case? Namely, a young 17-year-old grabs the older brother's or sister's ID card, goes down to the pub and says, "Here's my ID", to gain entry to the pub. Where would that person be charged, or is it not the intention that they be charged under this legislation?

Hon JIM CHOWN: The simple answer to the member's question about the issues he has raised are addressed under the Liquor Control Act 1988, section 126, subsection 2(a) and (b).

Hon Kate Doust: And what does it say?

Hon JIM CHOWN: It says —

- (2) A person who —
 - (a) fails, without reasonable excuse, to comply with a requirement under subsection (1);
or
 - (b) makes a statement, or produces alleged evidence, that is false or misleading in any material respect in response to the requirement,

commits an offence.
- Penalty: a fine of \$2 000.

Hon KEN TRAVERS: That was one example, but I can imagine there may be other examples where someone tries to use an ID card to try and get some benefit or use out of that to create the false impression that they are older than they are. It may not necessarily always be under the liquor act; however, would clause 4 be relied

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upon to prosecute them or is there somewhere else in this bill that I have missed where they will be able to be prosecuted?

Hon JIM CHOWN: Most of the issues raised by Hon Ken Travers are covered in the Criminal Code, which has overarching powers in regard to criminal acts such as he has alluded to.

Hon KEN TRAVERS: What is the purpose then of clause 11(4)?

Hon JIM CHOWN: Clause 11(4) is there to make provisions within the bill to ensure that this card has a high standard. Obviously, we need to state that there are some penalties in regard to offences, such as deceiving with the card, et cetera. Obviously, if a police officer pulls somebody up and asks them for their ID, they are required to provide it. It should be that the card presented is proven to be the cardholder's identification. This just covers a number of examples such as that.

Hon KEN TRAVERS: But there is no requirement for someone to present this to a police officer, is there? Or is the intent that police officers will now be asking people to provide one of these cards when they stop them? Is this the parliamentary secretary's new Australia card?

Hon JIM CHOWN: Under the Criminal Investigation Act, a police officer is allowed to ask for a person's name and address.

Hon Ken Travers: They do not have to provide any proof of it, though.

Hon JIM CHOWN: It would be reasonable. Someone can be asked to establish his or her bona fides by a police officer, surely.

Hon Ken Travers: You tell me; I do not think you are. I think you are required to provide a name and address.

Hon JIM CHOWN: A photo ID card, as we discussed previously, will have the same standard as a driver's licence, which is used today as an ID card. The ID card is not replacing a driver's licence, but it is relevant to those people who do not have a driver's licence in the community, hence the clause.

Hon KEN TRAVERS: The parliamentary secretary is making me very nervous.

Hon Jim Chown: I always make you nervous, Hon Ken Travers!

Hon KEN TRAVERS: He does! I am wondering whether the police state is coming! Under the current law, if a police officer pulls someone over and he or she is driving a motor vehicle, they will either ask that they present their driver's licence. If they do not have it on them, the police can require that it be presented to a police station within a certain number of days. There is no actual requirement, although, in other states and the United States, people are required to carry their licence if driving a motor vehicle. When asked to present it, they must present it and it is actually an offence if they cannot.

In Western Australia, if someone is driving a vehicle and is pulled over by a police officer, there is no requirement to present a driver's licence. Likewise, if someone is walking down the street and is stopped by a police officer, he or she is required to give their name and address, but there is no requirement to prove identity. In fact, I think under the Public Transport Authority Act, when a transit officer asks a passenger for his or her name and address, they are required to provide it. However, there is absolutely no requirement for anyone to provide any evidence to substantiate what their name and address is. I am starting to get a bit worried, from the parliamentary secretary's answers, whether the government is starting to proceed down a path of getting this bill in, and then the next thing will be that it will become compulsory to have either a driver's licence or one of these cards. Then, the next stage beyond that will be the need for people to show their licence when stopped by a police officer, even though they are a completely law-abiding citizen and there is no reason to do it. Can the parliamentary secretary absolutely guarantee to the house that that is not the government's intention?

Hon JIM CHOWN: I am happy to guarantee that is not the government's intention. In relation to a statement by the member, under the Road Traffic Act, people are required on request by a police officer to produce their driver's licence.

Hon Ken Travers: Within a certain number of days.

Hon JIM CHOWN: Or to present it to the local police station within 24 hours.

Hon Ken Travers: Yes, that is what I said.

Clause put and passed.

Clause 12 put and passed.

Clause 13: Register —

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Hon KATE DOUST: I am just looking at the detail of the information that has to be provided on a register, specifically clause 13(1)(c)—“the cardholder’s last known residential address”. The parliamentary secretary has talked about how this will probably be taken up by a whole range of younger people—predominantly young women; I actually think this card will be taken up by all sorts of individuals, including a lot more senior people, like my mother and a whole lot of constituents I deal with who no longer drive, be they male or female. But I also think it will be taken up by homeless people, because in most cases they do not carry around substantial forms of identity. I imagine that having access to a card like this would be of some advantage to them. But as we know, there are unfortunately a growing number of people in our city who no longer live in a traditional home environment and who may be sofa surfing or living on the streets or in shopping malls or office doorways or in a tent across the road. I am just wondering in relation to “last known residential address”, how far back does that go? How current must that be? That raises other problems around how the card is distributed to the individual and how they will be verified. Given that we have a growing number of people, sadly, in that situation, I am just wondering how that type of information will be managed for those people. For some people their last known residential address could have been years ago and have absolutely no relevance to them anymore at all. How will that be dealt with?

Hon JIM CHOWN: There is no ulterior motive with clause 13(1)(c). This is part of the gold standard protocols, but the reality is that if someone does not have an address, the CEO has a discretion to accept that person for who they say they are.

Clause put and passed.

Clauses 14 to 17 put and passed.

Clause 18: Delegation of functions of CEO —

Hon KEN TRAVERS: Under clause 18(3) the CEO is required to get the minister’s permission for the purposes of delegating someone with a power or duty if they are not employed by the department. Clause 18(4) allows a class of persons to be specified, so clearly each individual will not need to be named; I assume a person employed by Australia Post or whatever will be able to do it. I assume that in the first stage the intention will be to authorise the same people who are currently able to do driver’s licences and the like outside the department. Have we thought about the classes of persons who are likely to be specified, and do we have a list of the ones who are currently specified as being approved by the minister in respect of similar clauses in the Road Traffic Act?

Hon JIM CHOWN: Any agreements with other entities such as Australia Post will be dealt with under clause 20, but in regard to the member’s question on clause 18(3), the minister has to delegate certain powers, or the CEO has to delegate certain powers approved by the minister. For example, if somebody’s card had to be cancelled, that delegation is to take place and the approval for the cancellation has to come from somebody of authority.

Hon KEN TRAVERS: Just so I understand, is the parliamentary secretary saying that the delegations under clause 18 will purely revolve around those actual internal mechanisms about approving or rejecting applications? I will try it from a different angle. My reading of clause 20 is that it is the clause under which another organisation can be set up to do the work on the minister’s behalf—another organisation can be approved. But do the people who work for that organisation also still need to be approved under clause 18 by the minister for doing that work? Under which clause will individuals be approved to do that work for the organisation with which the government has entered into an agreement to provide the functions?

Hon JIM CHOWN: That will be dealt with under clause 20. I think we are on clause 18, and subclause (3) is about internal functions in the department and administrating the process for either approving or disapproving photo ID cards.

Hon KEN TRAVERS: If that is the case, who are we thinking about approving to do those functions? What are the scenarios in which that sort of internal operation of the department would be approved to be done by somebody outside the department? Can the parliamentary secretary give me an example of who might be approved to do something like that?

Hon JIM CHOWN: Clause 18(3) allows delegation to, for example, police or other government departments that are not under the direct control of the CEO or the minister in remote areas of Western Australia to provide an application service for applicants for the card. Hon Stephen Dawson raised the requirements of the Indigenous population for ID cards, and this provides the ability for that delegation to take place.

Hon KEN TRAVERS: Do we have any idea, though, of whom the government intends to delegate those functions to? I am trying to understand, because surely if the function is being passed out to somebody else in that sense, would an agreement not be being entered into under clause 20?

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Hon JIM CHOWN: The answer is no, because the people who would be delegated these provisions—it has happened in the past for licensing provisions—would be, like the example I have already given in regard to the question, the police force or other government agencies, whichever those agencies may well be.

Hon KEN TRAVERS: But this goes beyond government agencies, parliamentary secretary; this can go to anyone. It does not limit it to government agencies. If the intent is that it only be other government agencies performing functions on behalf of the CEO, why could we not move an amendment to make it clear that that is our intent?

There is a subtle difference between the processing of these documents and when we get to clause 20, we can have that debate about contracting Australia Post to issue these cards on our behalf and about approving it to issue cards. However, the decision-making will be done internally within the department or it may be delegated to a police officer or a local government in some other part of the state. I do not have a fear about contracting that function out to other public service agencies that might be providing it on behalf of the Department of Transport because there is a shared service arrangement if it is a remote area, but I have grave concerns and I want to know what possible examples there would be of delegating these powers to entities outside the public service. If it is not the government's intent to delegate outside the public service, in my view we should make it very clear in clause 18 that it will not happen.

Hon Jim Chown: I have given my response.

Hon KEN TRAVERS: I take from the parliamentary secretary's response that there is some government plan to use people outside the public service for that function. The parliamentary secretary has not said that the government would not.

Hon JIM CHOWN: The answer to that question is no.

Hon KEN TRAVERS: Why can we not then move an amendment to make it very clear that the delegation under clause 18 can only be to people employed under the Public Sector Management Act?

Hon Helen Morton: Why would you want to do that?

Hon KEN TRAVERS: Why would the government want to privatise that function? What will the government do? That is what this chamber is about—asking the questions and getting the answers. Why does the minister want to do it?

Hon Helen Morton interjected.

The DEPUTY CHAIR (Hon Liz Behjat): Order, members! We are not having a discussion across the chamber. We are in the committee stage of the bill and members are to direct comments to either the Deputy Chair or the parliamentary secretary. I do not want members to engage in conversations across the chamber.

Hon JIM CHOWN: I can assure the member that any private partnerships in regard to this bill will be done under clause 20. This particular clause that the member seems to be concerned about is virtually a cut-and-paste of the 1974 Road Traffic Act and I have already given an explanation about why it is there.

Hon KEN TRAVERS: I have no doubt that those members who sat in this place in 1974 and put through the Road Traffic Act probably did not envisage the sort of rampant privatisation of government services we now see occurring across the public sector. There would have been functions in those days that members on both sides of this chamber would have considered absolutely not negotiable to hand over to people outside the public sector. The Minister for Mental Health asked the question about why we would not want to allow that option in the future. The reason I give is that these are important decisions and functions. I do not want to pre-empt the debate on clause 20, but people approved under this clause will potentially get even more access to very sensitive information that could be very useful for those who want to use it for an improper purpose. When we get to clause 21, one thing I will ask—in fact, we can ask it under this clause as well—is: if we start delegating out, how will the government, the CEO and this Parliament be assured that there has been some rigorous checking into whom these powers are being delegated to? I give the example of people already coming to me expressing concerns about some of the authorised inspection services that have been approved by this government and the lack of rigour in the checking of whether the people running these things are of a suitable nature.

The DEPUTY CHAIR: Are you referring to the photo card bill, honourable member?

Hon KEN TRAVERS: Yes, I am, absolutely. I am talking about the fact that when powers are contracted out and delegated, there needs to be a rigorous regime behind that, which does not occur in this bill. If the government wants to delegate the power of the public sector to the private sector when very sensitive information that is valuable to criminal elements in the community is being dealt with, there needs to be rigorous protections. The point I am making, as a direct analogy about why this is needed for this bill, is that in another

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area we are already starting to see this government delegating the role of government, and people are expressing concerns to me that there is not a rigorous framework for the way in which the checks and balances are conducted to ensure the people being delegated to are not unsavoury characters. I have not been able to test the claims that have been put to me, but the point I make is that if we want to delegate powers in this legislation, there needs to be a rigorous framework for not just the delegation, but also what checks and balances will be put in the legislation to ensure there is a rigorous testing of those people before they are given that delegation. There is nothing like that in the bill and I think it is regrettable. Knowing the way in which this chamber now operates, even if we moved amendments, we would not get any joy with them. However, I would like some assurances from the government about what it will do, if it does delegate these powers, to ensure they are not delegated to people of unsavoury character.

Hon Helen Morton interjected.

Hon KEN TRAVERS: The Minister for Mental Health can make light of this.

The DEPUTY CHAIR: Order, Hon Ken Travers! I have already asked you not to engage in discussion across the chamber with anybody other than the parliamentary secretary who has the conduct of this legislation. We have been doing really well so far and I would like to keep it going for the few minutes that remain of this evening's session. Do you have a question on clause 18 that you are putting to the parliamentary secretary for him to answer?

Hon KEN TRAVERS: Yes, I do. People can make light of this, but this is a very serious matter. The government can treat it as a joke, but it is a very serious matter. If this government wants to start delegating functions, I want to hear from the parliamentary secretary about what checks will be conducted. I will ask this under clause 18 and if the parliamentary secretary gives me a satisfactory answer, I may not have to repeat the questions under clause 20. What checks will the government put in place to ensure that when delegating or entering into an agreement with people to perform the functions we have discussed, they are not people who we would not want having access to the sort of information that will be available through this bill?

Hon JIM CHOWN: Partnership agreements are not new in any government. They are about providing services to the community at a reasonable cost and in a timely manner. I am sure the member already knows the answer to his question. All contracts between departments and other entities are legally compliant. There are very stringent protocols and rigorous checks put in place before they are accepted as being part of the process. Obviously, in regard to this matter, as described, there are auditing processes by, for example, the Department of Transport, to ensure that all the requirements under the contracts are upheld. In effect, as the member has said, a dodgy outfit is very unlikely to become part of the arrangement; it is virtually impossible for them.

Clause put and passed.

Clause 19 put and passed.

Clause 20: Agreements for performance of functions —

Hon KEN TRAVERS: Who does the government envisage it will enter into agreements with to perform the functions under this legislation?

Hon JIM CHOWN: In the country it will be the same people who provide services for licensing requirements: the Bendigo Bank, local government entities, Australia Post, and, where they are situated, Department of Transport licensing officers.

Hon KEN TRAVERS: Will the cost estimated in the bill allow those agencies to receive a commission?

Hon JIM CHOWN: As a service provision, as stated here, full cost recovery is required. Cost recovery will be examined by the Standing Committee on Delegated Legislation. To answer the question, obviously private providers will require some sort of commission, but that commission will not be onerous. I have no idea what the percentage of the actual card cost will be, but it will be of a standard similar to other service provisions carried out on behalf of government departments.

Hon KEN TRAVERS: What checks will the government undertake to ensure either the owners of the organisations the government enters into agreement with or the employees are not associated with groups such as bikies?

Hon JIM CHOWN: It is normal with these processes that anyone, including departmental staff, has national and state police checks.

Hon KEN TRAVERS: I put it to the parliamentary secretary that there is a big difference between getting a police check and doing a check to see whether people are associated with undesirable people or people engaging in criminal conduct. Someone can pass a police check but they may still be associated with undesirable elements.

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My view is that the department needs to have a long, hard think about this because bikie groups and organised crime would have a very keen interest in getting access to the information contained in the department's databases. I make the point that when we pass this bill, I am not comfortable or satisfied that the process will be rigorous enough. To say that we will check that people meet the national police clearance criteria, I am not sure is sufficient to determine whether people are associating with significant undesirable elements in our community and people who would seek to gain, for an improper purpose, information held by the department. I am happy if the parliamentary secretary wants to respond to that but I think that as the department contracts out its services more and more, there is a decided gap in the way it operates.

Hon JIM CHOWN: I am happy to respond. The reality is that all these agreements contain a clause that enables the department to terminate the agreement or contractual arrangement if for any reason an employee is associating with undesirable elements within the community, or the department feels the provisions are under threat and the protocols are being compromised. The department also liaises very closely with the police department on intelligence-gathering requirements. Obviously, within any group of people there are people who do not comply with the community's requirements. We do our best to mitigate all these outcomes to ensure the photo ID card or the driver's licence application and distribution processes are virtually watertight. I can assure the member that everything is being undertaken that is humanly possible to ensure the process stands up to scrutiny.

Hon KEN TRAVERS: I accept that there might be provision in the contracts to terminate them, but often it is too late once we find out the damage has been done. I hope we do not find in the future that groups have infiltrated because of the decision to privatise so many aspects. I am happy to move on to clause 24, which I think is the clause my amendment refers to.

Hon SIMON O'BRIEN: Before we proceed, I want to make the observation that in respect of the Western Australian Photo Card Bill we have a workable machinery of government bill that will deliver what we all apparently require. The points Hon Ken Travers makes about security of information are well made. It is a very pertinent consideration. Members will notice that the structure of the bill is such that it places an onus on the CEO to do all the things that are required in the bill to a standard that we expect of a government agency. That standard does not change because the CEO gets someone else to do it, whether it is another officer bearing a delegation or an agent delivering a service such as receiving an application in a country post office. None of these things are unique. Transactions of similar importance are done by government departments, including this one, all the time in relation to security of people's information and sensitive documents, whether it is drug control in hospitals, drivers' licences or other things. That needs to be clearly understood by the committee and clause 20 should be supported.

Clause put and passed.

Clauses 21 to 23 put and passed.

Clause 24: Regulations —

Hon KEN TRAVERS: I move —

Page 17, line 5 — To delete "Act;" and insert —

Act, provided that the fee referred to in section 5(3)(c) shall not exceed the amount prescribed for the grant of a driver's licence whether or not by way of renewal to the equivalent class of person in regulations made under the *Road Traffic Act 1974*

Noting the time, I will not go extensively through all the points that have been made previously. I think we canvassed the debate well during the second reading stage. It is the opposition's view that the price of a photo ID card should never be higher than the price of a driver's licence for a particular category of person. An aged pensioner who gets a free driver's licence should have a free photo ID card. A senior who pays X dollars for a driver's licence should never pay more than that for a photo ID card. I put that out there as the opposition's view, and this amendment seeks to achieve that. Those who want to make sure that is the case in the future need to support this amendment because it is clear that that is not the current government's view.

Hon JIM CHOWN: I have given my response. As the member has indicated, we will leave it at that.

Division

Amendment put and a division taken, the Deputy Chair (Hon Liz Behjat) casting her vote with the noes, with the following result —

Extract from *Hansard*
[COUNCIL — Tuesday, 18 February 2014]
p88d-112a

Hon Sue Ellery; Hon Simon O'Brien; Hon Lynn MacLaren; Hon Paul Brown; Hon Stephen Dawson; Hon James Chown; Deputy President; Hon Ken Travers; Deputy Chair; Hon Kate Doust

Ayes (12)

Hon Robin Chapple
Hon Alanna Clohesy
Hon Stephen Dawson

Hon Kate Doust
Hon Sue Ellery
Hon Lynn MacLaren

Hon Ljiljana Ravlich
Hon Amber-Jade Sanderson
Hon Sally Talbot

Hon Ken Travers
Hon Darren West
Hon Samantha Rowe (*Teller*)

Noes (21)

Hon Martin Aldridge
Hon Ken Baston
Hon Liz Behjat
Hon Jacqui Boydell
Hon Paul Brown
Hon Jim Chown

Hon Peter Collier
Hon Brian Ellis
Hon Donna Faragher
Hon Nick Goiran
Hon Dave Grills
Hon Nigel Hallett

Hon Alyssa Hayden
Hon Col Holt
Hon Peter Katsambanis
Hon Mark Lewis
Hon Rick Mazza
Hon Robyn McSweeney

Hon Michael Mischin
Hon Simon O'Brien
Hon Phil Edman (*Teller*)

Pair

Hon Adele Farina

Hon Helen Morton

Amendment thus negated.

Clause put and passed.

Title put and passed.

Bill reported, without amendment.

Leave granted to proceed forthwith through remaining stages.

Report

Report of committee adopted.

Third Reading

HON JIM CHOWN (Agricultural — Parliamentary Secretary) [9.47 pm]: I move —

That the bill be now read a third time.

Debate adjourned, pursuant to standing orders.