

23 July 2021

Our ref: LP-MC

Committee Secretary
Economics and Governance Committee
Parliament House
George Street
BRISBANE QLD 4000

By email: [REDACTED]

Dear Committee Secretary

**Public Health and Other Legislation (Further Extension of Expiring Provisions)
Amendment Bill 2021**

Thank you for the opportunity to appear at the public hearing for the inquiry into the Public Health and Other Legislation (Further Extension of Expiring Provisions) Amendment Bill 2021.

During our appearance, we discussed our concerns about the use of data obtained from check-in apps by, for example, law enforcement and noted that some data can already be accessed through the *Telecommunications (Interception and Access) Act 1979* (Cth). The Deputy Chair asked us to provide further particulars about access to this information and information sharing arrangements between state and federal law enforcement.

We note the Department of Home Affairs website (<https://www.homeaffairs.gov.au/about-us/our-portfolios/national-security/lawful-access-telecommunications/data-retention-obligations>) includes the following information in relation to access to telecommunications metadata retained under the local scheme:

'The *Telecommunications (Interception and Access) Act 1979* requires telecommunications companies to retain a particular set of telecommunications data for at least 2 years.

These obligations ensure Australia's law enforcement and security agencies are lawfully able to access data, subject to strict controls.

Section 110A of the TIA Act states that only the following criminal law-enforcement agencies can apply for access retained data:

- Australian Federal Police
- a police force of a state
- Australian Commission for Law Enforcement Integrity
- Australian Criminal Intelligence Commission
- subject to subsection (1A), the Immigration and Border Protection Department
- Australian Securities and Investments Commission

Public Health and Other Legislation (Further Extension of Expiring Provisions) Amendment Bill 2021

- Australian Competition and Consumer Commission
- Independent Commission Against Corruption
- Police Integrity Commission
- Independent Broad-based Anti-corruption Commission
- Crime and Corruption Commission
- Corruption and Crime Commission
- Independent Commissioner Against Corruption
- or an authority or body for which a declaration is in force.'

QLS is not aware of whether Queensland Police do actually seek access to retained metadata from their Federal counterparts, but the legislative framework does facilitate Queensland Police making use of this as a law enforcement strategy.

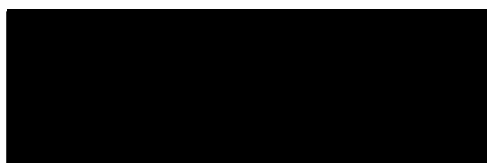
There are privacy and other concerns with this regime, however, which have been raised by bodies such as the Law Council of Australia. It is within this context that QLS:

- reiterates its concern with respect to the privacy impacts of Queensland Police seeking to use the Check-In Queensland app data for law enforcement; in our view, this will impact public confidence in the utilisation of these applications, which is contrary to the public health policy; and
- notes that, notwithstanding the concerns about the *Telecommunications (Interception and Access) Act 1979* (Cth), this legislation does provide a structured and alternative method for accessing location data which should be sufficient for law enforcement purposes.

We call on the Government to address the concerns raised by the QLS and other submitters to the inquiry on these issues as a priority.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via policy@qls.com.au or by phone on (07) 3842 5930.

Yours faithfully



Elizabeth Shearer
President