



New South Wales

Road Transport Amendment (National Facial Biometric Matching Capability) Bill 2018

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

This Bill is cognate with the *Surveillance Devices Amendment (Statutory Review) Bill 2018*.

Overview of Bill

The object of this Bill is to amend the *Road Transport Act 2013* to authorise RMS and certain other NSW government agencies:

- (a) to release photographs and associated personal information to the National Facial Biometric Matching Capability (the *Capability*), and
- (b) to collect photographs and associated personal information from the Capability and to keep and use those photographs or that information for any lawful purpose in connection with the exercise of the agency's functions.

The Capability is the service for facial biometric matching that is administered by the Commonwealth in accordance with the Intergovernmental Agreement on Identity Matching Services entered into by the Commonwealth, the States and the Territories in October 2017.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 amends the *Road Transport Act 2013* for the purposes described in the above overview.



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Road Transport Amendment (National Facial Biometric Matching Capability) Bill 2018

No. , 2018

A Bill for

An Act to amend the *Road Transport Act 2013* to authorise Roads and Maritime Services and certain other government agencies to collect, keep, use and release identity information in accordance with national arrangements for the sharing and matching of that information; and for related purposes.

The Legislature of New South Wales enacts:

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1 Name of Act

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This Act is the *Road Transport Amendment (National Facial Biometric Matching Capability) Act 2018*.

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2 Commencement

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This Act commences on the date of assent to this Act.

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Schedule 1	Amendment of Road Transport Act 2013 No 18	1
[1] Section 56	Purposes for which photographs may be kept and used	2
	Insert after section 56 (1) (i):	3
	(ia) in accordance with section 271A,	4
[2] Section 57	Release of photographs prohibited	5
	Insert after section 57 (1) (j):	6
	(ja) as provided by section 271A, or	7
[3] Section 271A		8
	Insert after section 271:	9
271A	National Facial Biometric Matching Capability	10
(1)	Definitions	11
	In this section:	12
	<i>associated personal information</i> , in relation to a photograph, includes the name, date of birth, gender and address of the individual who appears in the photograph.	13 14 15
	<i>authorised government agency</i> means:	16
	(a) the Authority or any agent of the Authority, and	17
	(b) any other government agency participating in the Capability in accordance with the National Agreement.	18 19
	<i>collect</i> from the Capability includes download from the Capability.	20
	<i>National Agreement</i> means the Intergovernmental Agreement on Identity Matching Services entered into by the Commonwealth, the States and the Territories in October 2017 (as varied from time to time by the parties to the agreement).	21 22 23 24
	<i>National Facial Biometric Matching Capability</i> (or <i>Capability</i>) means the service administered by the Commonwealth under the National Agreement for facial biometric matching, and includes any database or facility that is part of that service.	25 26 27 28
	<i>release</i> to the Capability includes upload to the Capability.	29
(2)	Collection of photographs and associated personal information	30
	An authorised government agency may collect photographs and associated personal information from the National Facial Biometric Matching Capability.	31 32
(3)	Sections 9 and 10 of the <i>Privacy and Personal Information Protection Act 1998</i> do not apply in relation to photographs and personal information collected by an authorised government agency from the Capability.	33 34 35
(4)	Keeping and use of photographs and associated personal information	36
	An authorised government agency may, for any lawful purpose in connection with the exercise of its functions, keep and use photographs and associated personal information obtained from, or disclosed to the agency under, the National Facial Biometric Matching Capability.	37 38 39 40

(5) **Release of photographs and associated personal information**

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An authorised government agency may release to the National Facial
Biometric Matching Capability any photographs and personal information
held by the agency.

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