

Passed by both Houses



New South Wales

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

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2018



New South Wales

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

Act No , 2018

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.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

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

2 Commencement

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

Schedule 1 Amendment of Road Transport Act 2013 No 18

[1] Section 56 Purposes for which photographs may be kept and used

Insert after section 56 (1) (i):

- (ia) in accordance with section 271A,

[2] Section 57 Release of photographs prohibited

Insert after section 57 (1) (j):

- (ja) as provided by section 271A, or

[3] Section 271A

Insert after section 271:

271A National Facial Biometric Matching Capability

(1) Definitions

In this section:

associated personal information, in relation to a photograph, includes the name, date of birth, gender and address of the individual who appears in the photograph.

authorised government agency means:

- (a) the Authority or any agent of the Authority, and
- (b) any other government agency participating in the Capability in accordance with the National Agreement.

collect from the Capability includes download from the Capability.

National Agreement 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).

National Facial Biometric Matching Capability (or **Capability**) 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.

release to the Capability includes upload to the Capability.

(2) Collection of photographs and associated personal information

An authorised government agency may collect photographs and associated personal information from the National Facial Biometric Matching Capability.

(3) Sections 9 and 10 of the *Privacy and Personal Information Protection Act 1998* do not apply in relation to photographs and personal information collected by an authorised government agency from the Capability.

(4) Keeping and use of photographs and associated personal information

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.

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

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