

TRANSPORT LEGISLATION AMENDMENT (IDENTITY MATCHING SERVICES) BILL 2020

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Stephen Dawson (Minister for Environment)**, read a first time.

Second Reading

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [10.07 pm]: I move —

That the bill be now read a second time.

The Transport Legislation Amendment (Identity Matching Services) Bill 2020 will implement the Intergovernmental Agreement on Identity Matching Services, which was endorsed by the Premier and other first ministers at the special meeting of the Council of Australian Governments on counterterrorism on 5 October 2017. The agreement establishes the national facial biometric matching capability and the national driver licence facial recognition solution, providing a suite of biometric tools referred to as identity matching services. The national driver licence facial recognition solution will act as a central interoperability hub for a driver's licence and related information from WA and other states and territories, transmitting matching requests from participants to the facial image database. The solution will not hold identification information. The national facial biometric matching capability, of which the solution is a part, will also connect to passport, visa and citizenship images and information held by the Department of Home Affairs and the Department of Foreign Affairs and Trade.

The bill will amend WA's road laws—the Road Traffic (Administration) Act 2008 and the Road Traffic (Authorisation to Drive) Act 2008. It will also amend the Western Australian Photo Card Act 2014. This will allow the Department of Transport to contribute Western Australian learner's permit, driver's licence and photo card facial images and information, along with identifying information such as name and address, to the national driver licence facial recognition solution.

Identity matching services will allow members of the community, with their consent, to quickly and easily have their identities verified when engaging with government—for example, when applying for a driver's licence, learner's permit or photo card—by matching their facial images with images on official records. Identity matching services will also benefit victims of natural disasters who have lost their identity documents.

Western Australia's ability to access identity matching services, enabled by this bill, will help deter crime, prevent identity theft and provide law enforcement agencies with a powerful investigative tool to identify people who may be associated with criminal activities. Identity crime is one of the most common and costly crimes in Australia, with around one in 20 Australians becoming a victim of identity crime each year, with an estimated annual cost of \$2.2 billion. Identity matching services will also help Western Australians who have become victim to identity theft more easily restore their compromised identities.

Identity matching services will help prevent and detect the use of fake or stolen identities, which can be key enablers of fraud, organised crime and terrorist activity; and protect Western Australians by making it easier for law enforcement agencies to identify people who may be of interest in relation to criminal activities. The identity matching services will use sophisticated, secure facial recognition technology to streamline existing, resource-intensive manual processes for verifying known persons' identities and identifying unknown persons. This will speed up and improve the provision of customer service and law enforcement investigations. The current document verification service, hosted by the commonwealth Department of Home Affairs, cannot detect documents, such as a driver's licence, that contain a fraudulent photo but a legitimate name and address. Nor can it identify an unknown person from a facial image. The document verification system is currently used by WA law enforcement agencies and the private sector to verify identification information on a driver's licence and other government-issued identity documents.

Identity matching services will also improve road safety by increasing the detection and prosecution of driving offences as it will make it harder for persons to obtain a driver's licence with false identities to avoid traffic fines, demerit points and licence cancellations.

Existing road laws and photo card legislation provide strict conditions around how facial images and identifying information are collected, stored, used and disclosed to ensure that the privacy of Western Australians is protected. Current legislation permits release of individual facial images upon request to the WA Police Force, the Australian Security Intelligence Organisation and, with the prior approval of the Commissioner of Police, prescribed law enforcement officials.

Although the bill will expand disclosure provisions, it will provide strict conditions around how facial images and associated personal information will be disclosed via identity matching services. Department of Transport customer information will be subject to strong safeguards through legally binding identity matching services documents called

participation agreements and participation access arrangements. These will be signed by senior representatives of other states and territories before access is granted to Department of Transport customer information.

The national driver licence facial recognition solution has been designed and built with robust privacy safeguards in mind, and has been subject to detailed privacy impact assessments and data security assessments. Information will be accessible only by authorised agencies and by individuals within those agencies who are also appropriately authorised and have undertaken required training, and will be subject to a robust compliance framework and independent oversight.

The identity matching services cannot be used to conduct real-time monitoring or live facial recognition of people in public spaces—sometimes referred to as mass surveillance—or identify people to investigate minor offences, such as jaywalking or littering.

This will enable participating government agencies to verify a known identity with the consent of that customer. Due to strict privacy protections in the Commonwealth Identity-matching Services Bill 2020, only agencies with law enforcement, national security or anticorruption functions will be able to establish and verify an unknown identity by searching multiple identities on the database. The bill also supports this government’s 2017 public sector service priority review and the ServiceWA (Digital) Program—for example, with customer consent, enabling the use of Department of Transport licensing information for other approved government purposes, such as sharing a person’s change of address with approved state government agencies.

Pursuant to standing order 126, I advise that this bill is a uniform legislation bill. It gives effect to an intergovernmental agreement to which the government of this state is a party. This bill by reason of its subject matter introduces a uniform scheme throughout the commonwealth.

I commend this bill to the house and table the explanatory memorandum.

[See paper [3966](#).]

Debate adjourned and bill referred to the Standing Committee on Uniform Legislation and Statutes Review, pursuant to standing orders.

House adjourned at 10.12 pm
