

Thursday, 3 May 2018

## Identity-matching Bill must clearly define line between appropriate and illegitimate use

The Law Council has today told a [parliamentary committee](#) that the Identity-matching Services Bill – which would enable a broad range of government agencies to identify ‘a face in a crowd’ and share the information – needs to better define the line between appropriate deployment of the system and illegitimate or disproportionate use.

Appearing before the Parliamentary Joint Committee on Intelligence and Security, Law Council of Australia President, Morry Bailes, noted that the Bill would enable the sharing of biometric and other identification information of a majority of individuals living in Australia.

“The Law Council supports reasonable and proportionate measures for the purposes of facilitating law enforcement and protecting Australia’s national security and there are many elements within this Bill that are aimed at this legitimate objective,” Mr Bailes said.

“Clearly, the sharing of face recognition information would be desirable to facilitate detection of would-be terrorists scoping a site for a potential terrorist attack. But that very same identity matching capacity could also be used for a range of other activities. CCTV footage could be used to detect, investigate or prosecute particular young people who may engage in certain low-level unlawful conduct for example.

“The Law Council believes the line between legitimate and proportionate use and illegitimate and disproportionate uses should be clearly defined and assured by law.

“It should be understood and consistently applied by all relevant governments and their agencies, with clarity and stability of that line supported by appropriate accountability measures that are independently verifiable.

“If that line can creep towards broad social surveillance such as (to take but one of a myriad of possibilities) use of this open system to detect and fine jaywalkers or litterers, that line can also creep further to a full social credit style system of government surveillance of Australian citizens.

“The stability of the line must be maintained through operation of the provisions of the Act itself, not just through the anticipated good intentions of current and future governments.

“The Law Council looks forward to working constructively with the government on this legislation,” Mr Bailes said.

The full opening statement given today can be accessed [here](#). The Law Council’s [submission](#) and [supplementary submission](#) are also available online.

---

**Patrick Pantano: Public Affairs**  
P 02 6246 3715  
E Patrick.Pantano@lawcouncil.asn.au

**Sonia Byrnes: Communications**  
P 0437 078 850  
E Sonia.Byrnes@lawcouncil.asn.au