

EXPOSURE DRAFT



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Identity Verification Services Rules 2024

I, Mark Dreyfus KC, Attorney-General, make the following rules.

Dated 2024

Mark Dreyfus KC [**DRAFT ONLY—NOT FOR SIGNATURE**]
Attorney-General

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Preliminary **Part 1**

Section 1

Part 1—Preliminary

1 Name

This instrument is the *Identity Verification Services Rules 2024*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	14 June 2024	14 June 2024.

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Identity Verification Services Act 2023*.

4 Definitions

In this instrument:

Act means the *Identity Verification Services Act 2023*.

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Part 2 Participation agreements

Section 5

Part 2—Participation agreements

5 Prescribed privacy laws

For the purposes of subparagraph 9(1)(b)(ii) of the Act, each of the following is a prescribed privacy law:

- (a) the *Privacy and Personal Information Protection Act 1998* (NSW);
- (b) the *Privacy and Data Protection Act 2014* (Vic);
- (c) the *Information Privacy Act 2009* (Qld);
- (d) the *Personal Information Protection Act 2004* (Tas);
- (e) the *Information Privacy Act 2014* (ACT);
- (f) the *Information Act 2002* (NT).

6 Prescribed government authorities

For the purposes of paragraph 9(1)(d) of the Act, each of the following is a prescribed government authority:

- (a) the Australian Criminal Intelligence Commission;
- (b) the Australian Secret Intelligence Service;
- (c) the Australian Security Intelligence Organisation;
- (d) the National Anti-Corruption Commission;
- (e) the Office of National Intelligence.

Part 3—NDLFRS hosting agreement

7 Prescribed privacy laws

For the purposes of subparagraph 13(2)(a)(ii) of the Act, each of the following is a prescribed privacy law:

- (a) the *Privacy and Personal Information Protection Act 1998* (NSW);
- (b) the *Privacy and Data Protection Act 2014* (Vic);
- (c) the *Information Privacy Act 2009* (Qld);
- (d) the *Personal Information Protection Act 2004* (Tas);
- (e) the *Information Privacy Act 2014* (ACT);
- (f) the *Information Act 2002* (NT).

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Part 4 Fees

Section 8

Part 4—Fees

8 Fees for connection to approved identity verification facility

- (1) For the purposes of paragraph 42(1)(a) of the Act, a fee is payable by a government authority or non-government entity for connection to an approved identity verification facility mentioned in an item of the table in subsection (4).
- (2) If the authority or entity is not already connected to the facility, the amount of the fee for the connection is the sum of:
 - (a) the amount mentioned in column 2 of the item that covers the facility; and
 - (b) the amount worked out by multiplying:
 - (i) the number of kinds of documents (see subsection (5)) in relation to which the authority or entity is seeking to be able to request identity verification services using the facility; by
 - (ii) the amount mentioned in column 3 of the item.
- (3) If the authority or entity is already connected to the facility and is seeking to be connected in relation to additional kinds of documents (see subsection (5)), the amount of the fee for the new connection is the amount worked out by multiplying:
 - (a) the number of additional kinds of documents in relation to which the authority or entity is seeking to be able to request identity verification services using the facility; by
 - (b) the amount mentioned in column 3 of the item that covers the facility.
- (4) For the purposes of subsections (1) to (3), the table is as follows:

Fees for connection to an approved identity verification facility			
Item	Column 1 Approved identity verification facility	Column 2 Base connection amount	Column 3 Amount per kind of document
1	DVS hub	(a) for a government authority— \$5,470.95; or (b) for a non-government entity— \$24,610.40	\$454.55
2	Face Matching Service Hub	(a) for a government authority— \$12,000; or (b) for a non-government entity— \$31,139.45	\$850

Note: The amounts in this table do not include any amount of GST that may be payable.

Kinds of documents

- (5) For the purposes of subparagraph (2)(b)(i) and subsection (3), each of the following is taken to be a different kind of document:

- (a) a birth certificate issued by or on behalf of an authority of a State or Territory;
- (b) a death certificate issued by or on behalf of an authority of a State or Territory;
- (c) a concession card (within the meaning of the *Social Security Act 1991*);
- (d) a notice given under section 37 of the *Australian Citizenship Act 2007* stating that a person is an Australian citizen at a particular time;
- (e) a certificate issued by an authority of a State or Territory indicating that an individual has changed the individual's name;
- (f) a driver's licence (however described) issued by or on behalf of an authority of a State or Territory;
- (g) a document issued by or on behalf of an authority of a State or Territory to assist an individual to prove the individual's age or identity;
- (h) a document issued to an individual, as a person who is not an Australian citizen, by the Department administered by the Minister administering the *Migration Act 1958* to assist the individual to prove the individual's identity;
- (i) a certificate of marriage issued by or on behalf of an authority of a State or Territory whose function it is to register marriages;
- (j) a document issued by a court setting out a divorce order made under the *Family Law Act 1975*;
- (k) an Australian travel document (within the meaning of the *Australian Passports Act 2005*);
- (l) a certificate signed by an officer (within the meaning of the *Migration Act 1958*) stating that, at a specified time, or during a specified period, a specified person was the holder of a visa that was in effect;
- (m) an entry in a Roll (within the meaning of the *Commonwealth Electoral Act 1918*) relating to a particular individual;
- (n) an aviation security identification card issued under regulations made for the purposes of the *Aviation Transport Security Act 2004*;
- (o) an MSIC issued under regulations made for the purposes of the *Maritime Transport and Offshore Facilities Security Act 2003*;
- (p) a medicare card (within the meaning of subsection 84(1) of the *National Health Act 1953*).

9 Fees for requests for identity verification services

- (1) For the purposes of paragraph 42(1)(b) of the Act:
 - (a) a fee is payable for a request for an identity verification service mentioned in an item of the following table that is made by or on behalf of:
 - (i) a government authority, if subsection (2) applies in relation to the request; or
 - (ii) a non-government entity; and
 - (b) the amount of the fee is the amount mentioned in that item.

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Part 4 Fees

Section 9

Fees for requests for identity verification services

Item	Identity verification service	Amount
1	DVS	\$0.40
2	FVS	\$0.40

Note: The amounts in this table do not include any amount of GST that may be payable.

- (2) For the purposes of subparagraph (1)(a)(i), this subsection applies in relation to a request for an identity verification service if:
- (a) before the request is made the Department is given notice by or on behalf of the government authority that, taking account of competitive neutrality, it would be appropriate for a fee to be charged for:
 - (i) all requests for the service made by or on behalf of the government authority; or
 - (ii) particular kinds of requests for the service made by or on behalf of the government authority; and
 - (b) if subparagraph (a)(ii) applies—the request is of one of the notified kinds.

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Application, saving and transitional provisions **Part 5**

Section 10

Part 5—Application, saving and transitional provisions

10 Application of this instrument as originally made

- (1) Part 2, as in force at the commencement of this instrument, applies in relation to a participation agreement whether the agreement is made before, on or after that commencement.
- (2) Part 3, as in force at the commencement of this instrument, applies in relation to the NDLFRS hosting agreement whether the agreement is made before, on or after that commencement.
- (3) Section 8, as in force at the commencement of this instrument, applies to a connection to an approved identity verification facility made on or after that commencement, whether the request for the connection was made before, on or after that commencement.