



New South Wales

Road Transport (Driver Licensing) Amendment (Release of Photographs) Regulation 2005

under the

Road Transport (Driver Licensing) Act 1998

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Driver Licensing) Act 1998*.

JOSEPH TRIPODI, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to authorise the Roads and Traffic Authority to release driver licence photographs (and other matter in the driver licence photograph database) to the New South Wales Crime Commission for the purposes of an investigation or proposed investigation of a terrorist act or the threat of a terrorist act. The release must be in accordance with any protocol approved by the Privacy Commissioner.

Release of this material to NSW Police is already authorised under section 41 of the *Road Transport (Driver Licensing) Act 1998* so long as the release is in accordance with any protocol approved by the Privacy Commissioner.

This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including section 41.

2005 No 639

Clause 1 Road Transport (Driver Licensing) Amendment (Release of Photographs)
Regulation 2005

Road Transport (Driver Licensing) Amendment (Release of Photographs) Regulation 2005

under the

Road Transport (Driver Licensing) Act 1998

1 Name of Regulation

This Regulation is the *Road Transport (Driver Licensing) Amendment (Release of Photographs) Regulation 2005*.

2 Amendment of Road Transport (Driver Licensing) Regulation 1999

The *Road Transport (Driver Licensing) Regulation 1999* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 2)

Clause 60

Insert before clause 61:

60 Release of driver licence photographs to Crime Commission

- (1) A driver licence photograph, and any photographic image or other matter contained in any database of such photographs, may be released by the Authority to the New South Wales Crime Commission for the purposes of an investigation or proposed investigation by the Commission of a terrorist act or the threat of a terrorist act, but only if the release is in accordance with a protocol approved by the Privacy Commissioner.

Note. Release of this material to NSW Police is already authorised under section 41 of the *Road Transport (Driver Licensing) Act 1998* so long as the release is in accordance with any protocol approved by the Privacy Commissioner.

- (2) In this clause:

driver licence photograph means a photograph taken or provided in relation to an application for the issue or renewal by the Authority of a driver licence.

terrorist act has the same meaning as in the *Terrorism (Police Powers) Act 2002*.