



New South Wales

Road Transport (Driver Licensing) Amendment (Release of Photographs) Regulation 2008

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*.

ERIC ROOZENDAAL, M.L.C.,
Minister for Roads

Explanatory note

The object of this Regulation is to authorise the Roads and Traffic Authority (RTA) to release driver licence photographs (and other matter in the driver licence photograph database) to the Australian Security Intelligence Organisation for the purposes of an investigation of a terrorism offence.

Release of this material to the NSW Crime Commission is already authorised.

This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including section 19 (the general regulation-making power) and section 41.

2008 No 325

Clause 1 Road Transport (Driver Licensing) Amendment (Release of Photographs)
Regulation 2008

Road Transport (Driver Licensing) Amendment (Release of Photographs) Regulation 2008

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 2008*.

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

Omit the clause. Insert instead:

60 Release of driver licence photographs to certain agencies

- (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:
 - (a) to the New South Wales Crime Commission for the purposes of an investigation of a terrorist act or a threat of a terrorist act,
 - (b) to the Australian Security Intelligence Organisation for the purposes of an investigation of a terrorism offence.

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) Any release of material under subclause (1) must be in accordance with any protocol approved by the Privacy Commissioner, as required by section 41 (2) of the Act.
- (3) 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.

terrorism offence has the same meaning as in the *Australian Security Intelligence Organisation Act 1979* of the Commonwealth.

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