



New South Wales

# Photo Card Amendment (Register) Regulation 2014

under the

Photo Card Act 2005

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Photo Card Act 2005*.

DUNCAN GAY, MLC  
Minister for Roads and Freight

## Explanatory note

The objects of this Regulation are as follows:

- (a) to provide that information of a personal nature that is contained in the Photo Card Register may be released despite a provision of the *Photo Card Act 2005* that provides for the security of such information if the information could otherwise be released under the privacy legislation (being the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002* and any regulations or codes of practice under either of those Acts),
- (b) to provide that any information contained in the Photo Card Register may be released to Austroads for the purposes of the National Exchange of Vehicle and Driver Information System.

This Regulation is made under the *Photo Card Act 2005*, including sections 15 and 36 (the general regulation-making power).

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### 1 Name of Regulation

This Regulation is the *Photo Card Amendment (Register) Regulation 2014*.

### 2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

### 3 Amendment of Photo Card Regulation 2005

#### Clauses 9A and 9B

Insert after clause 9:

#### 9A Release of information of a personal nature

- (1) Section 15 of the Act does not prevent the release of information contained in the Register that is of a personal nature unless the privacy legislation would also prevent the particular release.
- (2) In this clause:  
*privacy legislation* means the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002* and any regulations or codes of practice under either of those Acts.

#### 9B Release of information to Austroads

- (1) Information contained in the Register may be released to Austroads for the purposes of the National Exchange of Vehicle and Driver Information System.
- (2) This clause does not authorise the release of any photograph to which Part 4 of the Act applies or any photographic image or other matter contained in any database of such photographs.
- (3) In this clause:  
*Austroads* means Austroads Limited (ACN 136 812 390), and includes any successor to or continuation of that company.