



New South Wales

Road Transport Legislation Amendment (Registers) Regulation 2014

under the

Road Transport Act 2013

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport Act 2013*.

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 NSW driver licence register or the NSW registrable vehicles register may be released despite provisions of the *Road Transport Act 2013* that provide 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 held on either of those registers may be released to Austroads for the purposes of the National Exchange of Vehicle and Driver Information System.

This Regulation is made under the *Road Transport Act 2013*, including sections 23 (the general regulation and rule-making power), 30 and 64 (3).

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1 Name of Regulation

This Regulation is the *Road Transport Legislation Amendment (Registers) Regulation 2014*.

2 Commencement

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

Schedule 1 Amendment of Road Transport (Driver Licensing) Regulation 2008

Clauses 103A and 103B

Insert after clause 103:

103A Release of information of a personal nature

- (1) Section 30 of the Act does not prevent the release of information contained in the NSW driver licence 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.

103B Release of information to Austroads

- (1) The Authority may provide to Austroads any information recorded in the NSW driver licence register for the purposes of the National Exchange of Vehicle and Driver Information System.
- (2) This clause does not authorise the Authority to provide to Austroads any photograph to which Part 3.5 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.

Schedule 2 Amendment of Road Transport (Vehicle Registration) Regulation 2007

Clauses 14B and 14C

Insert after clause 14A:

14B Release of information of a personal nature

- (1) Section 64 (3) 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.

14C Release of information to Austroads

- (1) The Authority is authorised to release any information in the Register to Austroads for the purposes of the National Exchange of Vehicle and Driver Information System.
- (2) In this clause:
Austroads means Austroads Limited (ACN 136 812 390), and includes any successor to or continuation of that company.