



New South Wales

Road Transport (Driver Licensing) Amendment (Release of Photographs to ASIO) Regulation 2019

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*.

ANDREW CONSTANCE, MP
Minister for Transport and Roads

Explanatory note

The object of this Regulation is to extend the circumstances in which Roads and Maritime Services may release certain photographs (for example, photographs taken and provided for driver licence applications) to the Australian Security Intelligence Organisation for any purpose connected with the exercise of its functions under the *Australian Security Intelligence Organisation Act 1979* of the Commonwealth. Currently, the photographs may only be released for the purposes of the investigation of a terrorism offence under that Act. The Regulation also makes amendments consequential on the enactment of the *Road Transport and Other Legislation Amendment (Digital Driver Licences and Photo Cards) Act 2018*.

This Regulation is made under the *Road Transport Act 2013*, including sections 23 (the general statutory rule-making power) and 57 (1) (k).

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1 Name of Regulation

This Regulation is the *Road Transport (Driver Licensing) Amendment (Release of Photographs to ASIO) Regulation 2019*.

2 Commencement

- (1) This Regulation commences on the day on which it is published on the NSW legislation website, except as provided by subclause (2).
- (2) If Schedule 1 [4] to the *Road Transport and Other Legislation Amendment (Digital Driver Licences and Photo Cards) Act 2018* commences after the day this Regulation is published, Schedule 1.2 to this Regulation commences on that later day.

Schedule 1 Amendment of Road Transport (Driver Licensing) Regulation 2017

1.1 Amendments relating to the Australian Security Intelligence Organisation

[1] Clause 109 Release of certain photographs

Omit clause 109 (1) (c). Insert instead:

- (c) to ASIO if:
 - (i) the Director-General of ASIO has requested that the photograph, photographic image or other matter concerned be released for a purpose connected with the exercise of ASIO's functions under the *Australian Security Intelligence Organisation Act 1979* of the Commonwealth, and
 - (ii) the photograph, photographic image or other matter is released to an employee or other staff member of ASIO who is authorised in writing by the Director-General to receive the photograph, photographic image or other matter, and
 - (iii) the authorised employee or other staff member certifies in writing that the photograph, photographic image or other matter sought is reasonably necessary for ASIO to exercise its functions under the *Australian Security Intelligence Organisation Act 1979* of the Commonwealth, or

[2] Clause 109 (3)

Insert after clause 109 (2):

- (3) In this clause:
ASIO means the Australian Security Intelligence Organisation continued in existence by the *Australian Security Intelligence Organisation Act 1979* of the Commonwealth.

1.2 Other amendments

[1] Clause 109 (1) and (2)

Omit “, or any photographic image or other matter contained in any database of such photographs,” and “, photographic image or other matter”, wherever occurring.

[2] Clause 109 (1) (c) (as substituted by Schedule 1.1 [1])

Omit “, photographic image or other matter”, wherever occurring.

[3] Clause 109, note 1

Omit “and any photographic image or other matter contained in any database of such photographs”.