

## **Road Traffic Legislation Amendment (Information) Bill 2010**

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Western Australia

LEGISLATIVE COUNCIL

*(As amended in consideration in detail)*

**Road Traffic Legislation Amendment  
(Information) Bill 2010**

**A Bill for**

**An Act to amend —**

- the *Road Traffic Act 1974*; and
  - the *Road Traffic (Administration) Act 2008*; and
  - the *Road Traffic (Authorisation to Drive) Act 2008*,
- in relation to the disclosure of certain classes of information, the provision of photographs and signatures for use on learner's permits, and for related purposes.**

The Parliament of Western Australia enacts as follows:

1

## **Part 1 — Preliminary**

2

### **1. Short title**

3

This is the *Road Traffic Legislation Amendment (Information)*  
4 *Act 2010*.

5

### **2. Commencement**

6

This Act comes into operation as follows —

7

(a) Part 1 — on the day on which this Act receives the  
8 Royal Assent;

9

(b) the rest of the Act — on a day fixed by proclamation,  
10 and different days may be fixed for different provisions.

**Part 2 — Road Traffic Act 1974 amended**

**3. Act amended**

This Part amends the *Road Traffic Act 1974*.

**4. Section 5 amended**

In section 5(1) insert in alphabetical order:

***demerit points information*** means information contained in the demerit points register as defined in section 104;

***disclose*** includes to provide, to release and to give access to;

***driver's licence information*** means information about driver's licences including —

- (a) details of the persons who have made applications for or in relation to those licences; and
- (b) details of the persons who hold or have held those licences; and
- (c) information contained in the driver's licence register referred to in section 42(1)(a)(ii),

but not including photographs and signatures provided to the Director General under Part IVA;

***instructor information*** means information about licences and permits under the *Motor Vehicle Drivers Instructors Act 1963* including —

- (a) details of the persons who have made applications for or in relation to those licences and permits; and
- (b) details of the persons who hold or have held those licences and permits;

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*optional plates information* means information about optional number plates referred to in section 113 including —

- (a) details of the persons who have the right to use those number plates; and
- (b) details of the persons to whom those number plates have been supplied;

*permit information* means information about learner's permits or permits under section 26(1) including —

- (a) details of the persons who have made applications for or in relation to those permits; and
- (b) details of the persons who hold or have held those permits,

but not including photographs and signatures provided to the Director General under Part IVA;

*vehicle licence information* means information about vehicle licences under this Act including —

- (a) details of the persons who have made applications for or in relation to those licences; and
- (b) details of the persons who hold or have held those licences; and
- (c) information contained in the register of vehicle licences referred to in section 27(1);

**5. Section 6B amended**

After section 6B(4) insert:

- (5A) The Director General may disclose the following information to the body or person with whom the agreement is made if the Director General considers

1           that the information is required for the purposes of  
2           performing a function under the agreement —

- 3           (a) driver's licence information;
- 4           (b) permit information;
- 5           (c) vehicle licence information;
- 6           (d) optional plates information;
- 7           (e) demerit points information;
- 8           (f) instructor information.

10   **6.       Section 8 replaced**

11       Delete section 8 and insert:

13       **8.       Exchange of information between Director General**  
14       **and Commissioner of Police**

15       (1) In this section —

16       *incident information* means —

- 17           (a) information provided in relation to an incident
- 18               in a report made under section 56(1) or (4); and
- 19           (b) details of any evidence, statement, report or
- 20               other information obtained as a result of any
- 21               investigation made into the incident;

22       *offence information* means details of —

- 23           (a) any offence of which a person has been
- 24               convicted whether within the State or elsewhere
- 25               and whether relating to a road traffic matter or
- 26               any other matter; and
- 27           (b) any penalty, suspension, cancellation or
- 28               disqualification arising from any such
- 29               conviction; and

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- 1 (c) the instances in which a person has paid a  
2 penalty under a traffic infringement notice  
3 under this Act;
- 4 ***relevant authorisation*** means —
- 5 (a) a driver's licence; or  
6 (b) a vehicle licence under this Act; or  
7 (c) a learner's permit; or  
8 (d) a permit under section 26(1); or  
9 (e) a licence or permit under the *Motor Vehicle*  
10 *Drivers Instructors Act 1963*.
- 11 (2) The Director General must disclose the following  
12 information to the Commissioner of Police —
- 13 (a) driver's licence information;  
14 (b) permit information;  
15 (c) vehicle licence information;  
16 (d) optional plates information;  
17 (e) demerit points information;  
18 (f) instructor information;  
19 (g) information obtained from a relevant authority  
20 under section 9.
- 21 (3) Information disclosed under subsection (2) —
- 22 (a) may be used in the performance of the  
23 Commissioner of Police's functions, whether  
24 under this Act or otherwise, but not for any  
25 other purpose; and
- 26 (b) may be disclosed by the Commissioner of  
27 Police to an officer, department or  
28 instrumentality of this State, another State, a  
29 Territory, the Commonwealth or another  
30 country for use in the performance of the  
31 functions of that officer, department or  
32 instrumentality but not for any other purpose.



- 1 (4) The Commissioner of Police must disclose the  
2 following information to the Director General —
  - 3 (a) incident information about a person who has  
4 applied for, holds or has held a relevant  
5 authorisation;
  - 6 (b) offence information about a person who has  
7 applied for, holds or has held a relevant  
8 authorisation;
  - 9 (c) information about the impounding or  
10 confiscation of vehicles under Part V  
11 Division 4;
  - 12 (d) information of a class prescribed by the  
13 regulations for the purposes of this subsection.
- 14 (5) Information disclosed under subsection (4) may be  
15 used in the performance of the Director General's  
16 functions under this Act or the *Motor Vehicle Drivers*  
17 *Instructors Act 1963* but not for any other purpose.
- 18 (6) The disclosure of information under subsection (2) or  
19 (4) is to be free of charge.

20 **9. Exchange of information between Director General**  
21 **and other authorities**

- 22 (1) In this section —  
23 *infringement notice* has the meaning given in  
24 section 104(1);  
25 *relevant authority* means —
  - 26 (a) an Australian driver licensing authority; or
  - 27 (b) an external licensing authority; or
  - 28 (c) a person whose functions under the law of  
29 another jurisdiction correspond or substantially  
30 correspond to a function of the Director  
31 General under this Act; or

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- 1 (d) a person prescribed, or of a class prescribed, by  
2 the regulations for the purposes of this  
3 definition.
- 4 (2) The Director General may disclose the following  
5 information to a relevant authority if the Director  
6 General considers that the information is required by  
7 the relevant authority for the purposes of performing its  
8 functions —
- 9 (a) driver's licence information;  
10 (b) permit information;  
11 (c) vehicle licence information;  
12 (d) optional plates information;  
13 (e) demerit points information;  
14 (f) instructor information.
- 15 (3) The disclosure of information under subsection (2) is to  
16 be free of charge.
- 17 (4) If information disclosed under subsection (2) includes  
18 information about an offence of which a person has  
19 been convicted or for which a person has been given an  
20 infringement notice, the Director General must also  
21 disclose to the relevant authority —
- 22 (a) any quashing of the conviction; or  
23 (b) any withdrawal of the infringement notice or  
24 the matter coming before a court for  
25 determination; or  
26 (c) any withdrawal of proceedings under the *Fines,*  
27 *Penalties and Infringement Notices*  
28 *Enforcement Act 1994* Part 3 in respect of the  
29 infringement notice; or  
30 (d) anything else known to the Director General  
31 concerning the offence, the disclosure of which  
32 is likely to be favourable to that person.

- 1           (5) The Director General may seek from a relevant  
2           authority any information that the Director General  
3           considers is required for the purposes of performing the  
4           Director General's functions under this Act.
- 5           (6) The Director General may, for the purposes of  
6           performing the Director General's functions under this  
7           Act, use information obtained from a relevant  
8           authority.

9           **10. Disclosure of information to Commissioner of Main**  
10          **Roads**

- 11           (1) The Director General must disclose the following  
12           information to the Commissioner of Main Roads —  
13           (a) driver's licence information;  
14           (b) permit information;  
15           (c) vehicle licence information;  
16           (d) information obtained from a relevant authority  
17           under section 9.
- 18           (2) Information disclosed under subsection (1) may be  
19           used in the performance of the functions of the  
20           Commissioner of Main Roads under this Act but not  
21           for any other purpose.
- 22           (3) The disclosure of information under subsection (1) is to  
23           be free of charge.

24          **11. Disclosure of information to Registrar**

- 25           (1) The Director General must disclose the following  
26           information to the Registrar appointed under the *Fines,*  
27           *Penalties and Infringement Notices Enforcement*  
28           *Act 1994* —  
29           (a) driver's licence information;  
30           (b) permit information;  
31           (c) vehicle licence information.

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- 1           (2) Information disclosed under subsection (1) may be  
2           used in the performance of the Registrar's functions  
3           under the *Fines, Penalties and Infringement Notices*  
4           *Enforcement Act 1994* but not for any other purpose.
- 5           (3) The disclosure of information under subsection (1) is to  
6           be free of charge.

7           **12. Disclosure of information to prescribed persons**

- 8           (1) In this section —  
9           *authorised purpose* means —  
10           (a) the purpose of performing functions under a  
11           written law, a law of another jurisdiction or a  
12           law of the Commonwealth; or  
13           (b) a purpose related to the administration or  
14           enforcement of a written law, a law of another  
15           jurisdiction or a law of the Commonwealth; or  
16           (c) a purpose prescribed by the regulations for the  
17           purposes of this definition;  
18           *prescribed person* means a person prescribed, or of a  
19           class prescribed, by the regulations for the purposes of  
20           this definition.
- 21           (2) The Director General may disclose the following  
22           information to a prescribed person if the Director  
23           General considers that the information is required by  
24           the person for an authorised purpose —  
25           (a) driver's licence information;  
26           (b) permit information;  
27           (c) vehicle licence information;  
28           (d) demerit points information;  
29           (e) instructor information.

- 1           (3) A person —  
2               (a) to whom information is disclosed under  
3               subsection (2); or  
4               (b) who is employed or engaged by a person to  
5               whom information is disclosed under  
6               subsection (2),

7           must not use the information for a purpose other than  
8           the authorised purpose for which it was disclosed.

9           Penalty: a fine of 100 PU or imprisonment for  
10          12 months.

11       **13. Disclosure of information for road safety purposes**

- 12           (1) In this section —  
13       *road safety purpose* means —

- 14               (a) the purpose of research directed to the  
15               promotion of road safety; or  
16               (b) the purpose of distributing information about  
17               road safety.

- 18           (2) The Director General may disclose the following  
19           information to a person if the Director General  
20           considers that the information is required by the person  
21           for a road safety purpose —

- 22               (a) driver's licence information;  
23               (b) permit information;  
24               (c) vehicle licence information;  
25               (d) demerit points information;  
26               (e) instructor information.

- 27           (3) A person —  
28               (a) to whom information is disclosed under  
29               subsection (2); or

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- 1                   (b) who is employed or engaged by a person to  
2                   whom information is disclosed under  
3                   subsection (2),  
4                   must not use the information for a purpose other than  
5                   the road safety purpose for which it was disclosed.  
6                   Penalty: a fine of 100 PU or imprisonment for  
7                   12 months.  
8

9   **7.       Section 42 amended**

10               Delete section 42(6)(a).

11   **8.       Section 42E amended**

12           (1) After section 42E(2) insert:  
13

14               (3A) Subsection (2) does not prevent the grant or renewal of  
15               a driver's licence if the applicant has provided the  
16               Director General with a photograph and signature  
17               under section 43A within 10 years of the application.  
18

19           (2) After section 42E(5) insert:  
20

21               (6A) Subsection (5) does not apply to a person who  
22               possesses a photograph provided under this section as a  
23               result of its disclosure under Division 4A.  
24

25           (3) Delete section 42E(6)(a) and insert:  
26

27               (a) reproduces, by any means, a photograph or  
28               signature provided under this section; or  
29

1     **9.       Section 43A inserted**

2             At the end of Part IVA Division 3 insert:

3  
4     **43A.    Matters to do with identity**

5             (1) In this section —

6                 *destroyed* includes damaged so as to be unusable;

7                 *photograph* includes a negative or an image stored  
8                 electronically.

9             (2) The Director General cannot issue a learner's permit  
10                until the applicant has provided, in support of the  
11                application, any evidence required by the regulations to  
12                establish the applicant's identity and residential address  
13                in this State.

14            (3) Except as prescribed in the regulations, the Director  
15                General cannot issue a learner's permit unless the  
16                applicant has provided the Director General with —

17                (a) a photograph taken at the time of the  
18                application; and

19                (b) a signature made at the time of the application,

20                for use on the learner's permit document and, in the  
21                circumstances described in subsection (5), on a driver's  
22                licence document issued to the applicant.

23            (4) The photograph and signature are to be provided in a  
24                manner and form approved by the Director General.

25            (5) A photograph or signature provided under this section  
26                may be used on a driver's licence document for a  
27                driver's licence granted or renewed within 10 years of  
28                the application for the learner's permit.

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- 1           (6) The Director General must ensure that any photograph  
2           or signature provided under this section is destroyed if  
3           it, or a copy of it, has not been used on —
- 4               (a) a learner's permit document for a learner's  
5               permit issued in the preceding 10 years; or
- 6               (b) a driver's licence document for a driver's  
7               licence granted or renewed in the preceding  
8               10 years.
- 9           (7) A person who, other than for the purposes of this Part,  
10           possesses a photograph or signature provided under  
11           this section that is not on a learner's permit document  
12           or a driver's licence document commits an offence.  
13           Penalty: Imprisonment for 2 years.
- 14           (8) Subsection (7) does not apply to a person who  
15           possesses a photograph provided under this section as a  
16           result of its disclosure under Division 4A.
- 17           (9) A person employed or engaged in connection with any  
18           aspect of the production of learner's permit documents  
19           or driver's licence documents or otherwise concerned  
20           in the administration of this Part, who, otherwise than  
21           in the administration of this Part —
- 22               (a) reproduces, by any means, a photograph or  
23               signature provided under this section; or
- 24               (b) causes or permits another person to do so,  
25           commits an offence.  
26           Penalty: Imprisonment for 2 years.  
27



10. Part IVA Division 4A inserted

After Part IVA Division 3 insert:

Division 4A — Disclosure of photographs

44AA. Terms used

In this Division —

*ASIO Act* means the *Australian Security Intelligence Organisation Act 1979* (Commonwealth);

*ASIO official* means —

- (a) the Director-General of Security; or
- (b) an officer or employee of the Australian Security Intelligence Organisation (continued under the ASIO Act) who is authorised by the Director-General of Security for the purposes of this Division;

*Director-General of Security* means the Director-General of Security holding office under the ASIO Act;

*law enforcement official* means a person prescribed, or a person of a class prescribed, by the regulations for the purposes of this Division;

*photograph* means a photograph provided to the Director General under this Part;

*police official* means —

- (a) the Commissioner of Police; or
- (b) a member of the Police Force who is authorised by the Commissioner of Police for the purposes of this Division; or
- (c) a person employed or engaged in the department of the Public Service principally assisting in the administration of the *Police*

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1                                    *Act 1892* who is authorised by the  
2                                    Commissioner of Police for the purposes of this  
3                                    Division.

4                    **44AB. Disclosure to police, ASIO and law enforcement**  
5                    **officials**

- 6                    (1) The Director General must disclose photographs to a  
7                                    police official for the purposes of the performance of  
8                                    the police official's functions under this Act or another  
9                                    written law.
- 10                    (2) The Director General must disclose photographs to an  
11                                    ASIO official for the purposes of the performance of  
12                                    the ASIO official's functions under the ASIO Act or  
13                                    another law of the Commonwealth.
- 14                    (3) The Director General may, with the prior approval of  
15                                    the Commissioner of Police, disclose photographs to a  
16                                    law enforcement official if the Director General  
17                                    considers that the photographs are required for the  
18                                    purposes of the performance of the law enforcement  
19                                    official's functions under a written law, a law of  
20                                    another jurisdiction or a law of the Commonwealth.

21                    **44AC. Disclosure to executor or administrator**

22                                    If the person shown in a photograph has died, the  
23                                    Director General may disclose the photograph to an  
24                                    executor or administrator of the person's estate.

25                    **11. Sections 45 and 46 deleted**

26                                    Delete sections 45 and 46.

1     **12.     Section 103 inserted**

2             At the end of Part VI insert:

3

4             **103.     Confidentiality of information**

- 5             (1)   A person who is or has been engaged in the  
6                   performance of functions under this Act must not,  
7                   directly or indirectly, record, disclose or make use of  
8                   information obtained under this Act except —  
9                   (a)   for a purpose related to the administration or  
10                   enforcement of this Act; or  
11                   (b)   as required or authorised under this Act or  
12                   another written law; or  
13                   (c)   with the consent of the person to whom the  
14                   information relates; or  
15                   (d)   in circumstances prescribed by the regulations.  
16             Penalty: a fine of 100 PU or imprisonment for  
17                   12 months.
- 18             (2)   Subsection (1) does not prevent the disclosure of  
19                   statistical or other information that could not  
20                   reasonably be expected to lead to the identification of  
21                   any person to whom it relates.

22

23     **13.     Section 104G amended**

- 24             (1)   In section 104G(3) and (4) delete “section 45.” and insert:  
25  
26                   section 9.  
27
- 28             (2)   In section 104G(5) delete “section 45” and insert:  
29  
30                   section 9  
31

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1 **14. Section 104O amended**

2 Delete section 104O(9).

3 **15. Section 107 amended**

4 In section 107(4) delete “53 or 97” and insert:

5

6 53, 97 or 103(1)

7

**Part 3 — Road Traffic (Administration)  
Act 2008 amended**

**16. Act amended**

This Part amends the *Road Traffic (Administration) Act 2008*.

**17. Section 4 amended**

In section 4 insert in alphabetical order:

***demerit points information*** means information  
contained in the demerit points register;

***disclose*** includes to provide, to release and to give  
access to;

***driver's licence information*** means information about  
driver's licences including —

- (a) details of the persons who have made  
applications for or in relation to those licences;  
and
- (b) details of the persons who hold or have held  
those licences; and
- (c) information contained in the driver's licence  
register,

but not including photographs and signatures provided  
to the CEO under the *Road Traffic (Authorisation to  
Drive) Act 2008* Part 2;

***instructor information*** means information about  
licences and permits under the *Motor Vehicle Drivers  
Instructors Act 1963* including —

- (a) details of the persons who have made  
applications for or in relation to those licences  
and permits; and
- (b) details of the persons who hold or have held  
those licences and permits;

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**permit information** means information about learner's permits including —

- (a) details of the persons who have made applications for or in relation to those permits; and
- (b) details of the persons who hold or have held those permits,

but not including photographs and signatures provided to the CEO under the *Road Traffic (Authorisation to Drive) Act 2008* Part 2;

**vehicle licence information** means information about vehicle licences including —

- (a) details of the persons who have made applications for or in relation to those licences; and
- (b) details of the persons who hold or have held those licences;

**18. Section 11 amended**

After section 11(4) insert:

(5A) The CEO may disclose the following information to the body or person with whom the agreement is made if the CEO considers that the information is required for the purposes of performing a function under the agreement —

- (a) driver's licence information;
- (b) permit information;
- (c) vehicle licence information;
- (d) demerit points information;
- (e) instructor information.

1     **19.     Section 12 replaced**

2             Delete section 12 and insert:

3

4             **12.     Exchange of information between CEO and**  
5             **Commissioner of Police**

6             (1) In this section —

7                 *incident information* means —

8                     (a) information provided in relation to an incident  
9                         in a report made under the *Road Traffic*  
10                         *Act 1974* section 56(1) or (4); and

11                     (b) details of any evidence, statement, report or  
12                         other information obtained as a result of any  
13                         investigation made into the incident;

14                 *offence information* means details of —

15                     (a) any offence of which a person has been  
16                         convicted whether within the State or elsewhere  
17                         and whether relating to a road traffic matter or  
18                         any other matter; and

19                     (b) any penalty, suspension, cancellation or  
20                         disqualification arising from any such  
21                         conviction; and

22                     (c) the instances in which a person has paid a  
23                         penalty under an infringement notice;

24                 *relevant authorisation* means —

25                     (a) a driver's licence; or

26                     (b) a vehicle licence; or

27                     (c) a learner's permit; or

28                     (d) a licence or permit under the *Motor Vehicle*  
29                         *Drivers Instructors Act 1963*.

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- 1           (2) The CEO must disclose the following information to  
2           the Commissioner of Police —
- 3               (a) driver's licence information;
- 4               (b) permit information;
- 5               (c) vehicle licence information;
- 6               (d) demerit points information;
- 7               (e) instructor information;
- 8               (f) information obtained from a relevant authority  
9               under section 13A.
- 10          (3) Information disclosed under subsection (2) —
- 11               (a) may be used in the performance of the  
12               Commissioner of Police's functions, whether  
13               under a road law or otherwise, but not for any  
14               other purpose; and
- 15               (b) may be disclosed by the Commissioner of  
16               Police to an officer, department or  
17               instrumentality of this State, another State, a  
18               Territory, the Commonwealth or another  
19               country for use in the performance of the  
20               functions of that officer, department or  
21               instrumentality but not for any other purpose.
- 22          (4) The Commissioner of Police must disclose the  
23          following information to the CEO —
- 24               (a) incident information about a person who has  
25               applied for, holds or has held a relevant  
26               authorisation;
- 27               (b) offence information about a person who has  
28               applied for, holds or has held a relevant  
29               authorisation;
- 30               (c) information about the impounding or  
31               confiscation of vehicles under the *Road Traffic*  
32               *Act 1974* Part V Division 4;



- 1                   (d) information of a class prescribed by the  
2                   regulations for the purposes of this subsection.
- 3           (5) Information disclosed under subsection (4) may be  
4           used in the performance of the CEO's functions under  
5           a road law or the *Motor Vehicle Drivers Instructors*  
6           *Act 1963* but not for any other purpose.
- 7           (6) The disclosure of information under subsection (2) or  
8           (4) is to be free of charge.

9       **13A. Exchange of information between CEO and other**  
10       **authorities**

- 11           (1) In this section —  
12               *infringement notice* has the meaning given in the *Road*  
13               *Traffic (Authorisation to Drive) Act 2008* section 40(1);  
14               *relevant authority* means —  
15               (a) an Australian driver licensing authority; or  
16               (b) a corresponding authority; or  
17               (c) an external licensing authority as defined in the  
18               *Road Traffic (Authorisation to Drive) Act 2008*  
19               section 3(1); or  
20               (d) a person prescribed, or of a class prescribed, by  
21               the regulations for the purposes of this  
22               definition.
- 23           (2) The CEO may disclose the following information to a  
24           relevant authority if the CEO considers that the  
25           information is required by the relevant authority for the  
26           purposes of performing its functions —  
27               (a) driver's licence information;  
28               (b) permit information;  
29               (c) vehicle licence information;  
30               (d) demerit points information;  
31               (e) instructor information.

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- 1 (3) The disclosure of information under subsection (2) is to  
2 be free of charge.
- 3 (4) If information disclosed under subsection (2) includes  
4 information about an offence of which a person has  
5 been convicted or for which a person has been given an  
6 infringement notice, the CEO must also disclose to the  
7 relevant authority —
- 8 (a) any quashing of the conviction; or  
9 (b) any withdrawal of the infringement notice or  
10 the matter coming before a court for  
11 determination; or  
12 (c) any withdrawal of proceedings under the *Fines,*  
13 *Penalties and Infringement Notices*  
14 *Enforcement Act 1994* Part 3 in respect of the  
15 infringement notice; or  
16 (d) anything else known to the CEO concerning the  
17 offence, the disclosure of which is likely to be  
18 favourable to that person.
- 19 (5) The CEO may seek from a relevant authority any  
20 information that the CEO considers is required for the  
21 purposes of performing the CEO's functions under a  
22 road law.
- 23 (6) The CEO may, for the purposes of performing the  
24 CEO's functions under a road law, use information  
25 obtained from a relevant authority.
- 26 **13B. Disclosure of information to Commissioner of Main**  
27 **Roads**
- 28 (1) The CEO must disclose the following information to  
29 the Commissioner of Main Roads —
- 30 (a) driver's licence information;  
31 (b) permit information;  
32 (c) vehicle licence information;

- 1                   (d) information obtained from a relevant authority  
2                   under section 13A.
- 3           (2) Information disclosed under subsection (1) may be  
4           used in the performance of the functions of the  
5           Commissioner of Main Roads under a road law but not  
6           for any other purpose.
- 7           (3) The disclosure of information under subsection (1) is to  
8           be free of charge.

9           **13C. Disclosure of information to Registrar**

- 10           (1) The CEO must disclose the following information to  
11           the Registrar appointed under the *Fines, Penalties and*  
12           *Infringement Notices Enforcement Act 1994* —
- 13                   (a) driver's licence information;  
14                   (b) permit information;  
15                   (c) vehicle licence information.
- 16           (2) Information disclosed under subsection (1) may be  
17           used in the performance of the Registrar's functions  
18           under the *Fines, Penalties and Infringement Notices*  
19           *Enforcement Act 1994* but not for any other purpose.
- 20           (3) The disclosure of information under subsection (1) is to  
21           be free of charge.  
22

23           **20. Section 13 amended**

- 24           (1) In section 13(1) delete "provide" and insert:  
25
- 26           disclose  
27

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1 (2) In section 13(2) delete “section 78.” and insert:

2

3 section 13A or 78.

4

5 Note: The heading to amended section 13 is to read:

6 **Disclosure of information to corresponding authorities**

7 **21. Sections 14 and 15 replaced**

8 Delete sections 14 and 15 and insert:

9

10 **14. Disclosure of information to prescribed persons**

11 (1) In this section —

12 *authorised purpose* means —

13 (a) the purpose of performing functions under a  
14 written law or a law of another jurisdiction; or

15 (b) a purpose related to the administration or  
16 enforcement of a written law or a law of  
17 another jurisdiction; or

18 (c) a purpose prescribed by the regulations for the  
19 purposes of this definition;

20 *prescribed person* means a person prescribed, or of a  
21 class prescribed, by the regulations for the purposes of  
22 this definition.

23 (2) The CEO may disclose the following information to a  
24 prescribed person if the CEO considers that the  
25 information is required by the person for an authorised  
26 purpose —

27 (a) driver’s licence information;

28 (b) permit information;

29 (c) vehicle licence information;

30 (d) demerit points information;

- 1                   (e) instructor information.
- 2           (3) A person —
- 3               (a) to whom information is disclosed under
- 4                   subsection (2); or
- 5               (b) who is employed or engaged by a person to
- 6                   whom information is disclosed under
- 7                   subsection (2),
- 8               must not use the information for a purpose other than
- 9               the authorised purpose for which it was disclosed.
- 10              Penalty: a fine of 100 PU or imprisonment for
- 11               12 months.
- 12       **15. Disclosure of information for road safety purposes**
- 13           (1) In this section —
- 14               *road safety purpose* means —
- 15               (a) the purpose of research directed to the
- 16                   promotion of road safety; or
- 17               (b) the purpose of distributing information about
- 18                   road safety.
- 19           (2) The CEO may disclose the following information to a
- 20               person if the CEO considers that the information is
- 21               required by the person for a road safety purpose —
- 22               (a) driver's licence information;
- 23               (b) permit information;
- 24               (c) vehicle licence information;
- 25               (d) demerit points information;
- 26               (e) instructor information.
- 27           (3) A person —
- 28               (a) to whom information is disclosed under
- 29                   subsection (2); or

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- 1 (b) who is employed or engaged by a person to  
2 whom information is disclosed under  
3 subsection (2),  
4 must not use the information for a purpose other than  
5 the road safety purpose for which it was disclosed.  
6 Penalty: a fine of 100 PU or imprisonment for  
7 12 months.  
8

9 **22. Section 143A inserted**

10 After section 142 insert:  
11

12 **143A. Confidentiality of information**

- 13 (1) A person who is or has been engaged in the  
14 performance of functions under a road law must not,  
15 directly or indirectly, record, disclose or make use of  
16 information obtained under a road law except —  
17 (a) for a purpose related to the administration or  
18 enforcement of a road law; or  
19 (b) as required or authorised under a road law or  
20 another written law; or  
21 (c) with the consent of the person to whom the  
22 information relates; or  
23 (d) in circumstances prescribed by the regulations.  
24 Penalty: a fine of 100 PU or imprisonment for  
25 12 months.  
26 (2) Subsection (1) does not prevent the disclosure of  
27 statistical or other information that could not  
28 reasonably be expected to lead to the identification of  
29 any person to whom it relates.  
30

**Part 4 — *Road Traffic (Authorisation to Drive)*  
Act 2008 amended**

**23. Act amended**

This Part amends the *Road Traffic (Authorisation to Drive)*  
*Act 2008*.

**24. Section 9 amended**

(1) After section 9(3) insert:

(4A) Subsection (3) does not prevent the grant or renewal of  
a driver's licence if the applicant has provided the CEO  
with a photograph and signature under section 11A  
within 10 years of the application.

(2) After section 9(6) insert:

(7A) Subsection (6) does not apply to a person who  
possesses a photograph provided under this section as a  
result of its disclosure under Division 3A.

(3) Delete section 9(7)(a) and insert:

(a) reproduces, by any means, a photograph or  
signature provided under this section; or

**25. Section 11A inserted**

At the end of Part 2 Division 2 insert:

**11A. Matters to do with identity**

(1) In this section —  
*destroyed* includes damaged so as to be unusable;

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- 1                    *photograph* includes a negative or an image stored  
2                    electronically.
- 3                    (2) The CEO cannot issue a learner's permit until the  
4                    applicant has provided, in support of the application,  
5                    any evidence required by the regulations to establish  
6                    the applicant's identity and residential address in this  
7                    State.
- 8                    (3) Except as prescribed in the regulations, the CEO  
9                    cannot issue a learner's permit unless the applicant has  
10                   provided the CEO with —
- 11                        (a) a photograph taken at the time of the  
12                        application; and
- 13                        (b) a signature made at the time of the application,  
14                   for use on the learner's permit document and, in the  
15                   circumstances described in subsection (5), on a driver's  
16                   licence document issued to the applicant.
- 17                    (4) The photograph and signature are to be provided in a  
18                   manner and form approved by the CEO.
- 19                    (5) A photograph or signature provided under this section  
20                   may be used on a driver's licence document for a  
21                   driver's licence granted or renewed within 10 years of  
22                   the application for the learner's permit.
- 23                    (6) The CEO must ensure that any photograph or signature  
24                   provided under this section is destroyed if it, or a copy  
25                   of it, has not been used on —
- 26                        (a) a learner's permit document for a learner's  
27                        permit issued in the preceding 10 years; or
- 28                        (b) a driver's licence document for a driver's  
29                        licence granted or renewed in the preceding  
30                        10 years.
- 31                    (7) A person who, other than for the purposes of this Part,  
32                   possesses a photograph or signature provided under



- 1                   this section that is not on a learner's permit document  
2                   or a driver's licence document commits an offence.  
3                   Penalty: Imprisonment for 2 years.
- 4           (8)   Subsection (7) does not apply to a person who  
5                   possesses a photograph provided under this section as a  
6                   result of its disclosure under Division 3A.
- 7           (9)   A person employed or engaged in connection with any  
8                   aspect of the production of learner's permit documents  
9                   or driver's licence documents or otherwise concerned  
10                  in the administration of this Part, who, otherwise than  
11                  in the administration of this Part —
- 12                   (a)   reproduces, by any means, a photograph or  
13                       signature provided under this section; or  
14                   (b)   causes or permits another person to do so,  
15                   commits an offence.  
16                   Penalty: Imprisonment for 2 years.
- 17

18   **26.       Part 2 Division 3A inserted**

19                   After Part 2 Division 2 insert:

20

21                   **Division 3A — Disclosure of photographs**

22           **11B.    Terms used**

23                   In this Division —

24                   *ASIO Act* means the *Australian Security Intelligence*  
25                   *Organisation Act 1979* (Commonwealth);

26                   *ASIO official* means —

- 27                   (a)   the Director-General of Security; or  
28                   (b)   an officer or employee of the Australian  
29                       Security Intelligence Organisation (continued)

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- 1                                   under the ASIO Act) who is authorised by the  
2                                   Director-General of Security for the purposes  
3                                   of this Division;
- 4                   **Director-General of Security** means the  
5                   Director-General of Security holding office under the  
6                   ASIO Act;
- 7                   **law enforcement official** means a person prescribed, or  
8                   a person of a class prescribed, by the regulations for the  
9                   purposes of this Division;
- 10                  **photograph** means a photograph provided to the CEO  
11                  under this Part;
- 12                  **police official** means —
- 13                   (a)   the Commissioner of Police; or
- 14                   (b)   a member of the Police Force who is authorised  
15                   by the Commissioner of Police for the purposes  
16                   of this Division; or
- 17                   (c)   a person employed or engaged in the  
18                   department of the Public Service principally  
19                   assisting in the administration of the *Police*  
20                   *Act 1892* who is authorised by the  
21                   Commissioner of Police for the purposes of this  
22                   Division.

23                   **11C.   Disclosure to police, ASIO and law enforcement**  
24                   **officials**

- 25                   (1)   The CEO must disclose photographs to a police official  
26                   for the purposes of the performance of the police  
27                   official's functions under a road law or another written  
28                   law.
- 29                   (2)   The CEO must disclose photographs to an ASIO  
30                   official for the purposes of the performance of the  
31                   ASIO official's functions under the ASIO Act or  
32                   another law of the Commonwealth.

- 1           (3) The CEO may, with the prior approval of the  
2           Commissioner of Police, disclose photographs to a law  
3           enforcement official if the CEO considers that the  
4           photographs are required for the purposes of the  
5           performance of the law enforcement official's  
6           functions under a written law or a law of another  
7           jurisdiction.

8           **11D. Disclosure to executor or administrator**

9           If the person shown in a photograph has died, the CEO  
10          may disclose the photograph to an executor or  
11          administrator of the person's estate.

12       **27. Section 47 amended**

- 13       (1) In section 47(3) and (4) delete "section 14." and insert:

14

15           section 13A.

16

- 17       (2) In section 47(5) delete "section 14" and insert:

18

19           section 13A

20

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