

Western Australia

**Road Traffic Legislation Amendment
(Information) Act 2011**

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No. 18 of 2011

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Road Traffic Legislation Amendment (Information) Act 2011

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Western Australia

Road Traffic Legislation Amendment (Information) Act 2011

No. 18 of 2011

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.**

[Assented to 2 June 2011]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Road Traffic Legislation Amendment (Information) Act 2011*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation, 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

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) optional plates information;
- (e) demerit points information;
- (f) instructor information.

6. Section 8 replaced

Delete section 8 and insert:

8. Exchange of information between Director General and Commissioner of Police

(1) In this section —

incident information means —

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

offence information means details of —

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

- (c) the instances in which a person has paid a penalty under a traffic infringement notice under this Act;

relevant authorisation means —

- (a) a driver's licence; or
- (b) a vehicle licence under this Act; or
- (c) a learner's permit; or
- (d) a permit under section 26(1); or
- (e) a licence or permit under the *Motor Vehicle Drivers Instructors Act 1963*.

- (2) The Director General must disclose the following information to the Commissioner of Police —

- (a) driver's licence information;
- (b) permit information;
- (c) vehicle licence information;
- (d) optional plates information;
- (e) demerit points information;
- (f) instructor information;
- (g) information obtained from a relevant authority under section 9.

- (3) Information disclosed under subsection (2) —

- (a) may be used in the performance of the Commissioner of Police's functions, whether under this Act or otherwise, but not for any other purpose; and
- (b) may be disclosed by the Commissioner of Police to an officer, department or instrumentality of this State, another State, a Territory, the Commonwealth or another country for use in the performance of the functions of that officer, department or instrumentality but not for any other purpose.

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

9. Exchange of information between Director General and other authorities

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

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- (d) a person prescribed, or of a class prescribed, by the regulations for the purposes of this definition.
- (2) The Director General may disclose the following information to a relevant authority if the Director General considers that the information is required by the relevant authority for the purposes of performing its functions —
 - (a) driver's licence information;
 - (b) permit information;
 - (c) vehicle licence information;
 - (d) optional plates information;
 - (e) demerit points information;
 - (f) instructor information.
- (3) The disclosure of information under subsection (2) is to be free of charge.
- (4) If information disclosed under subsection (2) includes information about an offence of which a person has been convicted or for which a person has been given an infringement notice, the Director General must also disclose to the relevant authority —
 - (a) any quashing of the conviction; or
 - (b) any withdrawal of the infringement notice or the matter coming before a court for determination; or
 - (c) any withdrawal of proceedings under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* Part 3 in respect of the infringement notice; or
 - (d) anything else known to the Director General concerning the offence, the disclosure of which is likely to be favourable to that person.

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

10. Disclosure of information to Commissioner of Main Roads

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

11. Disclosure of information to Registrar

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

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

12. Disclosure of information to prescribed persons

- (1) In this section —

authorised purpose means —

- (a) the purpose of performing functions under a written law, a law of another jurisdiction or a law of the Commonwealth; or
- (b) a purpose related to the administration or enforcement of a written law, a law of another jurisdiction or a law of the Commonwealth; or
- (c) a purpose prescribed by the regulations for the purposes of this definition;

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

- (2) The Director General may disclose the following information to a prescribed person if the Director General considers that the information is required by the person for an authorised purpose —
- (a) driver's licence information;
 - (b) permit information;
 - (c) vehicle licence information;
 - (d) demerit points information;
 - (e) instructor information.

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

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

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

13. Disclosure of information for road safety purposes

- (1) In this section —
- road safety purpose* means —
- (a) the purpose of research directed to the promotion of road safety; or
 - (b) the purpose of distributing information about road safety.
- (2) The Director General may disclose the following information to a person if the Director General considers that the information is required by the person for a road safety purpose —
- (a) driver's licence information;
 - (b) permit information;
 - (c) vehicle licence information;
 - (d) demerit points information;
 - (e) instructor information.
- (3) A person —
- (a) to whom information is disclosed under subsection (2); or

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- (b) who is employed or engaged by a person to whom information is disclosed under subsection (2),

must not use the information for a purpose other than the road safety purpose for which it was disclosed.

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

7. Section 42 amended

Delete section 42(6)(a).

8. Section 42E amended

- (1) After section 42E(2) insert:

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

- (2) After section 42E(5) insert:

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

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

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

9. Section 43A inserted

At the end of Part IVA Division 3 insert:

43A. Matters to do with identity

- (1) In this section —
destroyed includes damaged so as to be unusable;
photograph includes a negative or an image stored electronically.
- (2) The Director General cannot issue a learner's permit until the applicant has provided, in support of the application, any evidence required by the regulations to establish the applicant's identity and residential address in this State.
- (3) Except as prescribed in the regulations, the Director General cannot issue a learner's permit unless the applicant has provided the Director General with —
 - (a) a photograph taken at the time of the application; and
 - (b) a signature made at the time of the application,for use on the learner's permit document and, in the circumstances described in subsection (5), on a driver's licence document issued to the applicant.
- (4) The photograph and signature are to be provided in a manner and form approved by the Director General.
- (5) A photograph or signature provided under this section may be used on a driver's licence document for a driver's licence granted or renewed within 10 years of the application for the learner's permit.

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- (6) The Director General must ensure that any photograph or signature provided under this section is destroyed if it, or a copy of it, has not been used on —
- (a) a learner's permit document for a learner's permit issued in the preceding 10 years; or
 - (b) a driver's licence document for a driver's licence granted or renewed in the preceding 10 years.

- (7) A person who, other than for the purposes of this Part, possesses a photograph or signature provided under this section that is not on a learner's permit document or a driver's licence document commits an offence.

Penalty: Imprisonment for 2 years.

- (8) Subsection (7) does not apply to a person who possesses a photograph provided under this section as a result of its disclosure under Division 4A.

- (9) A person employed or engaged in connection with any aspect of the production of learner's permit documents or driver's licence documents or otherwise concerned in the administration of this Part, who, otherwise than in the administration of this Part —

- (a) reproduces, by any means, a photograph or signature provided under this section; or
- (b) causes or permits another person to do so,

commits an offence.

Penalty: Imprisonment for 2 years.

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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Act 1892 who is authorised by the
Commissioner of Police for the purposes of this
Division.

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

- (1) The Director General must disclose photographs to a police official for the purposes of the performance of the police official's functions under this Act or another written law.
- (2) The Director General must disclose photographs to an ASIO official for the purposes of the performance of the ASIO official's functions under the ASIO Act or another law of the Commonwealth.
- (3) The Director General may, with the prior approval of the Commissioner of Police, disclose photographs to a law enforcement official if the Director General considers that the photographs are required for the purposes of the performance of the law enforcement official's functions under a written law, a law of another jurisdiction or a law of the Commonwealth.

44AC. Disclosure to executor or administrator

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

11. Sections 45 and 46 deleted

Delete sections 45 and 46.

12. Section 103 inserted

At the end of Part VI insert:

103. Confidentiality of information

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

13. Section 104G amended

- (1) In section 104G(3) and (4) delete “section 45.” and insert:
- section 9.
- (2) In section 104G(5) delete “section 45” and insert:
- section 9

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14. Section 104O amended

Delete section 104O(9).

15. Section 107 amended

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

53, 97 or 103(1)

**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.

19. Section 12 replaced

Delete section 12 and insert:

12. Exchange of information between CEO and Commissioner of Police

(1) In this section —

incident information means —

- (a) information provided in relation to an incident in a report made under the *Road Traffic Act 1974* section 56(1) or (4); and
- (b) details of any evidence, statement, report or other information obtained as a result of any investigation made into the incident;

offence information means details of —

- (a) any offence of which a person has been convicted whether within the State or elsewhere and whether relating to a road traffic matter or any other matter; and
- (b) any penalty, suspension, cancellation or disqualification arising from any such conviction; and
- (c) the instances in which a person has paid a penalty under an infringement notice;

relevant authorisation means —

- (a) a driver's licence; or
- (b) a vehicle licence; or
- (c) a learner's permit; or
- (d) a licence or permit under the *Motor Vehicle Drivers Instructors Act 1963*.

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- (2) The CEO must disclose the following information to the Commissioner of Police —
 - (a) driver's licence information;
 - (b) permit information;
 - (c) vehicle licence information;
 - (d) demerit points information;
 - (e) instructor information;
 - (f) information obtained from a relevant authority under section 13A.
- (3) Information disclosed under subsection (2) —
 - (a) may be used in the performance of the Commissioner of Police's functions, whether under a road law or otherwise, but not for any other purpose; and
 - (b) may be disclosed by the Commissioner of Police to an officer, department or instrumentality of this State, another State, a Territory, the Commonwealth or another country for use in the performance of the functions of that officer, department or instrumentality but not for any other purpose.
- (4) The Commissioner of Police must disclose the following information to the CEO —
 - (a) incident information about a person who has applied for, holds or has held a relevant authorisation;
 - (b) offence information about a person who has applied for, holds or has held a relevant authorisation;
 - (c) information about the impounding or confiscation of vehicles under the *Road Traffic Act 1974* Part V Division 4;

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

13A. Exchange of information between CEO and other authorities

- (1) In this section —
infringement notice has the meaning given in the *Road Traffic (Authorisation to Drive) Act 2008* section 40(1);
relevant authority means —
 - (a) an Australian driver licensing authority; or
 - (b) a corresponding authority; or
 - (c) an external licensing authority as defined in the *Road Traffic (Authorisation to Drive) Act 2008* section 3(1); or
 - (d) a person prescribed, or of a class prescribed, by the regulations for the purposes of this definition.
- (2) The CEO may disclose the following information to a relevant authority if the CEO considers that the information is required by the relevant authority for the purposes of performing its functions —
 - (a) driver's licence information;
 - (b) permit information;
 - (c) vehicle licence information;
 - (d) demerit points information;
 - (e) instructor information.

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- (3) The disclosure of information under subsection (2) is to be free of charge.
- (4) If information disclosed under subsection (2) includes information about an offence of which a person has been convicted or for which a person has been given an infringement notice, the CEO must also disclose to the relevant authority —
 - (a) any quashing of the conviction; or
 - (b) any withdrawal of the infringement notice or the matter coming before a court for determination; or
 - (c) any withdrawal of proceedings under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* Part 3 in respect of the infringement notice; or
 - (d) anything else known to the CEO concerning the offence, the disclosure of which is likely to be favourable to that person.
- (5) The CEO may seek from a relevant authority any information that the CEO considers is required for the purposes of performing the CEO's functions under a road law.
- (6) The CEO may, for the purposes of performing the CEO's functions under a road law, use information obtained from a relevant authority.

13B. Disclosure of information to Commissioner of Main Roads

- (1) The CEO must disclose the following information to the Commissioner of Main Roads —
 - (a) driver's licence information;
 - (b) permit information;
 - (c) vehicle licence information;

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

13C. Disclosure of information to Registrar

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

20. Section 13 amended

- (1) In section 13(1) delete "provide" and insert:

disclose

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

section 13A or 78.

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

Disclosure of information to corresponding authorities

21. Sections 14 and 15 replaced

Delete sections 14 and 15 and insert:

14. Disclosure of information to prescribed persons

- (1) In this section —

authorised purpose means —

- (a) the purpose of performing functions under a written law or a law of another jurisdiction; or
- (b) a purpose related to the administration or enforcement of a written law or a law of another jurisdiction; or
- (c) a purpose prescribed by the regulations for the purposes of this definition;

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

- (2) The CEO may disclose the following information to a prescribed person if the CEO considers that the information is required by the person for an authorised purpose —
- (a) driver’s licence information;
 - (b) permit information;
 - (c) vehicle licence information;
 - (d) demerit points information;

(e) instructor information.

(3) A person —

- (a) to whom information is disclosed under subsection (2); or
- (b) who is employed or engaged by a person to whom information is disclosed under subsection (2),

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

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

15. Disclosure of information for road safety purposes

(1) In this section —

road safety purpose means —

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

(2) The CEO may disclose the following information to a person if the CEO considers that the information is required by the person for a road safety purpose —

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

(3) A person —

- (a) to whom information is disclosed under subsection (2); or

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- (b) who is employed or engaged by a person to whom information is disclosed under subsection (2),

must not use the information for a purpose other than the road safety purpose for which it was disclosed.

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

22. Section 143A inserted

After section 142 insert:

143A. Confidentiality of information

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

**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;

photograph includes a negative or an image stored electronically.

- (2) The CEO cannot issue a learner's permit until the applicant has provided, in support of the application, any evidence required by the regulations to establish the applicant's identity and residential address in this State.
- (3) Except as prescribed in the regulations, the CEO cannot issue a learner's permit unless the applicant has provided the CEO with —
 - (a) a photograph taken at the time of the application; and
 - (b) a signature made at the time of the application, for use on the learner's permit document and, in the circumstances described in subsection (5), on a driver's licence document issued to the applicant.
- (4) The photograph and signature are to be provided in a manner and form approved by the CEO.
- (5) A photograph or signature provided under this section may be used on a driver's licence document for a driver's licence granted or renewed within 10 years of the application for the learner's permit.
- (6) The CEO must ensure that any photograph or signature provided under this section is destroyed if it, or a copy of it, has not been used on —
 - (a) a learner's permit document for a learner's permit issued in the preceding 10 years; or
 - (b) a driver's licence document for a driver's licence granted or renewed in the preceding 10 years.

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

26. Part 2 Division 3A inserted

After Part 2 Division 2 insert:

Division 3A — Disclosure of photographs

11B. 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 CEO 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 Act 1892* who is authorised by the Commissioner of Police for the purposes of this Division.

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

- (1) The CEO must disclose photographs to a police official for the purposes of the performance of the police official's functions under a road law or another written law.
- (2) The CEO must disclose photographs to an ASIO official for the purposes of the performance of the

ASIO official's functions under the ASIO Act or another law of the Commonwealth.

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

11D. Disclosure to executor or administrator

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

27. Section 47 amended

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

section 13A.

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

section 13A
