

**Licensing and Registration (Uniform Procedures) Amendment (Photo ID) Bill 2004**

New South Wales

**Explanatory note**

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Licensing and Registration (Uniform Procedures) Act 2002* (the **Principal Act**) to provide for arrangements under which applicants for selected licences and certificates of registration will be able to satisfy a requirement to provide a photograph of themselves for the purpose of the licence or certificate of registration by either allowing access to a photograph already held by the Roads and Traffic Authority (the **RTA**) (such as a driver licence photograph) or by having the photograph taken and provided by the RTA.

Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

**Clause 3** is a formal provision that gives effect to the amendments to the Principal Act set out in Schedule 1.

**Clause 4** is a formal provision that gives effect to the amendments to the *Road Transport (Driver Licensing) Act 1998* set out in Schedule 2.

**Schedule 1 Amendment of Licensing and Registration (Uniform Procedures) Act 2002**

**Schedule 1 [5]** inserts a new Part 4A into the Principal Act to provide for the arrangements referred to in the Overview.

The proposed Part contains the following provisions:

- (a) Proposed section 80A provides for the application of the proposed Part to selected licences and certificates of registration.
- (b) Proposed section 80B contains definitions of expressions used in the proposed Part.
- (c) Proposed section 80C provides for the Director-General of the Department of Commerce to enter into arrangements (**photo-access arrangements**) with the RTA, licensing and registration authorities and service providers to facilitate the provision by the RTA to those authorities of photographs of applicants for licences and certificates of registration to which the proposed Part applies. An applicant required to provide a photograph can be required to provide the photograph by means of the photo-access arrangements. Applicants will have a choice of authorising the use of a photograph already held by the RTA or having a new photograph taken by the RTA.
- (d) Proposed section 80D provides further detail on what the photo-access arrangements can include, such as provision for the exchange of information between the RTA and participating authorities for the purposes of identity checks and provision for service providers to provide information services on behalf of the RTA and participating authorities in connection with the arrangements.
- (e) Proposed section 80E authorises the RTA, participating authorities and service providers to enter into the photo-access arrangements and extends their functions to include functions conferred or imposed by the photo-access arrangements.
- (f) Proposed section 80F requires a participating authority to accept a photograph

provided under the photo-access arrangements unless the arrangements permit rejection of the photograph in certain limited circumstances.

(g) Proposed section 80G provides for the application of provisions of proposed sections 80H–80K for the security and protection of photographs to photographs held by the RTA, a participating authority or a service provider that were taken or provided for the purposes of the photo-access arrangements. These provisions do not extend to photographs held by the RTA that are already held by the RTA (which are the subject of existing security and protection provisions of the *Road Transport (Driver Licensing) Act 1998*).

(h) Proposed section 80H limits the purposes for which photographs can be kept and used by the RTA, a participating authority or a service provider.

(i) Proposed section 80I limits the purposes for which photographs can be released by the RTA, a participating authority or a service provider.

(j) Proposed section 80J provides for the RTA to be the public sector agency responsible under the *Privacy and Personal Information Protection Act 1998* for giving a person access to their photograph and making appropriate alterations at their request.

(k) Proposed section 80K requires the Director-General to ensure that the photo-access arrangements make appropriate provision for service providers under the arrangements to comply with sections 80H and 80I and information protection principles under the *Privacy and Personal Information Protection Act 1998*.

**Schedule 1 [6]** inserts a new Schedule 3A into the Principal Act to list the legislative provisions that provide for the selected licences and certificates of registration to which the photo-access arrangements will apply.

**Schedule 1 [1]–[4]** make consequential amendments.

**Schedule 2 Amendment of Road Transport (Driver Licensing) Act 1998**

**Schedule 2** makes consequential amendments to the *Road Transport (Driver Licensing) Act 1998* to authorise photographs kept by the RTA under that Act (such as driver licence photographs) to be used, kept and released for the purposes of the photo-access arrangements.