



New South Wales

Photo Card Amendment (Fee Exemption for Pensioners) Regulation 2010

under the

Photo Card Act 2005

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Photo Card Act 2005*.

DAVID BORGER, MP
Minister for Roads

Explanatory note

The object of this Regulation is to simplify the circumstances in which a pensioner will be exempt from the need to pay a fee for a Photo Card by making them consistent with the pensioner exemption in the *Motor Vehicles Taxation Act 1988*. The main changes to the current pensioner exemption are as follows:

- (a) a person will now only need to prove that the person is entitled to hold a pensioner concession card rather than being required to actually hold the card (thereby allowing a person who has been given an interim card or voucher until his or her pensioner concession card is processed and issued to be entitled to the exemption),
- (b) additional cards will be accepted as evidence that a person is eligible to receive benefits as a member or former member of the Australian Defence Force or is a war widow or a war widower (being a person who is covered by the *Veterans' Entitlements Act 1986* of the Commonwealth or the *Military Rehabilitation and Compensation Act 2004* of the Commonwealth),
- (c) the exemption for members or former members of the Defence Force who receive a pension, or other amount, approved by the Roads and Traffic Authority will now apply to a person if the person's entitlement arises:
 - (i) under the *Veterans' Entitlements Act 1986* of the Commonwealth or the *Military Rehabilitation and Compensation Act 2004* of the Commonwealth, rather than just under the first of those Acts, and
 - (ii) because of any injury or disease rather than being limited to a war-caused disability that seriously affects the person's powers of movement,

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(d) the exemption also extends to war widowers rather than only to war widows.
This Regulation is made under the *Photo Card Act 2005*, including sections 5 (3) (which provides for the regulations to prescribe fees) and 36 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Photo Card Amendment (Fee Exemption for Pensioners) Regulation 2010*.

2 Commencement

This Regulation commences on 1 January 2011 and is required to be published on the NSW legislation website.

3 Amendment of Photo Card Regulation 2005

Clause 4A Fee exemption for eligible pensioners

Omit the definition of *eligible pensioner* from clause 4A (2).

Insert instead:

eligible pensioner has the same meaning as it has in the *Motor Vehicles Taxation Act 1988*.