

Photo Card Regulation 2005

[2005-793]



New South Wales

Status Information

Currency of version

Historical version for 1 July 2010 to 31 December 2010 (accessed 30 June 2024 at 3:21)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Does not include amendments by**
Photo Card Amendment (Fee Exemption for Pensioners) Regulation 2010 (732) (LW 17.12.2010) (not commenced — to commence on 1.1.2011)

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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New South Wales

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Photo Card Regulation 2005



New South Wales

1 Name of Regulation

This Regulation is the *Photo Card Regulation 2005*.

2 Commencement

This Regulation commences on 14 December 2005.

3 Definitions

In this Regulation:

driver licence has the same meaning as in the *Road Transport (Driver Licensing) Act 1998*.

proof of age card means a proof of age card issued by the Authority.

the Act means the *Photo Card Act 2005*.

4 Fee for Photo Card

For the purposes of section 5 (3) of the Act, the fee prescribed for the issue of a Photo Card is:

- (a) in the case of a new Photo Card—\$45, or
- (b) in the case of a replacement Photo Card—\$22.

4A Fee exemption for eligible pensioners

(1) An eligible pensioner is not required to pay a fee in respect of the pensioner's Photo Card (whether it is a new Photo Card or a replacement).

(2) In this clause:

eligible pensioner means a person:

- (a) who is the holder of a Pensioner Concession Card that is in force issued by the Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs or the Commonwealth Department of Veterans' Affairs, or

- (b) who is in receipt of a pension or other amount paid by the Commonwealth Department of Veterans' Affairs in respect of a war-caused disability seriously affecting the person's powers of movement, being a pension or other amount (or a pension or other amount below a rate) approved by the Authority for the purposes of this paragraph, or
- (c) who is an armed services widow within the meaning of the *Social Security Act 1991* of the Commonwealth, and who is in receipt of a pension under Part II or IV of the *Veterans' Entitlements Act 1986* of the Commonwealth at the maximum rate applicable under section 1064 (5) of the *Social Security Act 1991* of the Commonwealth.

5 Eligibility for Photo Card

For the purposes of section 6 (1) (d) of the Act, the criterion that the person is not the holder of a proof of age card is prescribed.

6 Cancellation of Photo Card

For the purposes of section 11 (1) (e) of the Act, the following grounds are prescribed:

- (a) the person has failed without reasonable excuse to comply with a requirement under section 16 (1) or (2) of the Act,
- (b) the person has been convicted of (or found guilty of or a guilty plea has been accepted for) an offence under the Act, or has paid a penalty under section 34 of the Act for an alleged offence,
- (c) the Photo Card of the person has been seized under section 29 of the Act and may be retained by the Authority under section 29 (3),
- (d) the person has been issued with a driver licence.

7 Surrender of Photo Card

- (1) The holder of a Photo Card issued under this Act may surrender the Photo Card by returning the Photo Card to the Authority (including for the purpose of having a driver licence issued under the *Road Transport (Driver Licensing) Regulation 1999*).
- (2) A Photo Card that is surrendered in accordance with this clause ceases to have effect.

8 Change of address or other particulars

- (1) The holder of a Photo Card (***the holder***) must give notice to the Authority of any change in his or her:
 - (a) name, or
 - (b) residential address, or

(c) address for service of notices,
no later than 14 days after the change.

Maximum penalty: 20 penalty units.

- (2) Unless required by the Authority, the notice need not be in writing.
- (3) A new residential address must be an address in this State at which the Authority may ordinarily make personal contact with the holder.
- (4) If there is no postal service to the holder's residential address, the holder must also provide an address for the service of notices.

9 Purposes for which photographs may be kept and used

Any purpose for which a photograph of a person taken for the purposes of Division 2 (Mobility parking scheme authorities) of Part 6 of the *Road Transport (Safety and Traffic Management) Regulation 1999* may be kept and used by the Authority under that Division is prescribed as a purpose for which a photograph to which Part 4 of the Act applies may be kept and used.

10 Penalty notice offences and penalties

- (1) For the purposes of section 34 of the Act:
 - (a) each offence created by a provision specified in Column 1 of Schedule 1 is an offence for which a penalty notice may be served, and
 - (b) the penalty prescribed for each such offence is the amount specified opposite the provision in Column 2 of the Schedule.
- (2) If the reference to a provision in Column 1 of Schedule 1 is qualified by words that restrict its operation to specified kinds of offences, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or committed in the circumstances so specified.

Schedule 1 Penalty notice offences

(Clause 10)

Column 1	Column 2
Provision	Penalty
Offences under the Act	
Section 11 (3)	\$86
Section 12	\$86
Section 20 (1) (a)	\$659

Section 20 (1) (b)	\$659
Section 21 (a)	\$659
Section 21 (b)	\$659
Section 22 (1)	\$659
Section 22 (2)	\$659
Section 23 (a)	\$659
Section 23 (b)	\$659
Section 24 (1)	\$659
Section 24 (2) (a)	\$659
Section 24 (2) (b)	\$659
Section 25 (1)	\$659
Section 25 (2)	\$659
Section 28 (2)	\$659
Offences under this Regulation	
Clause 8 (1)	\$86