

Photo Card Regulation 2005

[2005-793]



New South Wales

Status Information

Currency of version

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Provisions in force

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

Authorisation

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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 Act 2013*.

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—\$50, or
- (b) in the case of a replacement Photo Card—\$24.

4A Fee exemptions for certain older persons, pensioners and carers

The following persons are not required to pay a fee for a Photo Card for themselves (whether it is a new Photo Card or a replacement):

- (a) a person who holds a Seniors Card issued by the New South Wales government,
- (b) a person who is an **eligible pensioner** within the meaning of the *Motor Vehicles Taxation Act 1988*,
- (c) a person who lives in New South Wales and who receives a carer allowance under 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 (General) Regulation 2013* 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)	\$95
Section 12	\$95
Section 20 (1) (a)	\$732
Section 20 (1) (b)	\$732
Section 21 (a)	\$732
Section 21 (b)	\$732
Section 22 (1)	\$732
Section 22 (2)	\$732
Section 23 (a)	\$732
Section 23 (b)	\$732
Section 24 (1)	\$732
Section 24 (2) (a)	\$732

Section 24 (2) (b)	\$732
Section 25 (1)	\$732
Section 25 (2)	\$732
Section 28 (2)	\$732
Offences under this Regulation	
Clause 8 (1)	\$95