

Photo Card Regulation 2014

[2014-532]



New South Wales

Status Information

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Provisions in force

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

Authorisation

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New South Wales

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Photo Card Regulation 2014



New South Wales

1 Name of Regulation

This Regulation is the *Photo Card Regulation 2014*.

2 Commencement

This Regulation commences on 1 September 2014 and is required to be published on the NSW legislation website.

Note—

This Regulation replaces the *Photo Card Regulation 2005* which is repealed on 1 September 2014 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation—

driver licence has the same meaning as in the *Road Transport Act 2013*.

the Act means the *Photo Card Act 2005*.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Fees for Photo Card

The fees prescribed for the issue of a Photo Card are as follows—

(a) for a new 10-year Photo Card—

(i) if the applicant applies for the Photo Card at the same time as applying for the issue of a new driver licence or the variation, renewal or replacement of the applicant's existing driver licence—\$5, or

(ii) if the applicant holds a driver licence, but applies for the Photo Card other than at the time referred to in subparagraph (i)—\$14, or

(iii) if the applicant does not hold a driver licence—\$99,

(b) for a new 5-year Photo Card—

- (i) if the applicant applies for the Photo Card at the same time as applying for the issue of a new driver licence or the variation, renewal or replacement of the applicant's existing driver licence—\$5, or
 - (ii) if the applicant holds a driver licence, but applies for the Photo Card other than at the time referred to in subparagraph (i)—\$14, or
 - (iii) if the applicant does not hold a driver licence—\$56,
- (c) for a replacement Photo Card—\$14.

5 Exemption from fee

No fee is payable for the issue of a Photo Card to any of the following—

- (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.

6 Fee waiver by TfNSW

Transport for NSW may waive all or part of the fee for the issue of a Photo Card if it considers it appropriate to do so in the circumstances.

7 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 and retained under section 29 of the Act.
- (d) (Repealed)

8 Surrender of Photo Card

- (1) The holder of a Photo Card may surrender the Photo Card by returning it to Transport for NSW.
- (2) A Photo Card that is surrendered in accordance with this clause ceases to have effect.

9 Change of address or other particulars

- (1) The holder of a Photo Card (***the holder***) must, no later than 14 days after a change in his or her name, residential address or address for service of notices, give to Transport for NSW notice of the change.

Maximum penalty—20 penalty units.

- (2) The notice need not be in writing unless required by Transport for NSW.
- (3) A new residential address must be an address in this State at which Transport for NSW 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.
- (5) No notice is required under this clause in respect of a Photo Card that has expired or has otherwise ceased to have effect.

9A Use of digital Photo Cards

For the purposes of paragraph (c) of the definition of ***relevant purpose*** in section 13A of the Act, a digital Photo Card may be used for any purpose under an Act or law for which a Photo Card may be used.

10 Purposes for which photographs may be kept and used

A photograph to which Part 4 of the Act applies may be kept and used by Transport for NSW for 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.

10A Release of information and photographs—digital Photo Cards

- (1) For the purposes of section 15 of the Act, information may be released for the following purposes—
 - (a) using a digital Photo Card,
 - (b) verifying the authenticity of a digital Photo Card.
- (2) For the purposes of section 19(1)(i) of the Act, a photograph may be released for the following purposes—
 - (a) using a digital Photo Card,
 - (b) verifying the authenticity of a digital Photo Card.

11 Release of information of a personal nature

- (1) Section 15 of the Act does not prevent the release of information contained in the Register that is of a personal nature unless the privacy legislation would also prevent the particular release.
- (2) In this clause—

privacy legislation means the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002* and any regulations or codes of practice under either of those Acts.

12 Release of information to Austroads

- (1) Information contained in the Register may be released to Austroads for the purposes of the National Exchange of Vehicle and Driver Information System.
- (2) This clause does not authorise the release of any photograph to which Part 4 of the Act applies or any photographic image or other matter contained in any database of such photographs.
- (3) In this clause—

Austroads means Austroads Limited (ACN 136 812 390), and includes any successor to or continuation of that company.

13 (Repealed)

14 Saving

Any act, matter or thing that, immediately before the repeal of the *Photo Card Regulation 2005*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Penalty notice offences

1 Application of Schedule

- (1) For the purposes of section 34 of the Act—
 - (a) each offence created by a provision specified in this Schedule is an offence for which a penalty notice may be issued, and
 - (b) the amount payable for the penalty notice is the amount specified opposite the provision.
- (2) If the provision is qualified by words that restrict its operation to limited kinds of offences or to offences committed in limited circumstances, the penalty notice may be issued only for—
 - (a) that limited kind of offence, or

(b) an offence committed in those limited circumstances.

Column 1	Column 2
Provision	Penalty
Offences under the Act	
Section 11(3)	\$108
Section 12	\$108
Section 20(1)(a)	\$828
Section 20(1)(b)	\$828
Section 21(a)	\$828
Section 23(a)	\$828
Section 23(b)	\$828
Section 28(2)	\$828
Offences under this Regulation	
Clause 9(1)	\$108