



New South Wales

Photo Card Regulation 2024

under the

Photo Card Act 2005

[The following enacting formula will be included if this regulation is made—]

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

Minister for Roads

Explanatory note

The object of this regulation is to remake, with minor amendments, the *Photo Card Regulation 2014*, which is repealed on 1 September 2024 by the *Subordinate Legislation Act 1989*, section 10(2).

This regulation—

- (a) prescribes fees for the issue of a Photo Card, and
- (b) prescribes persons who are not liable to pay fees for the issue of a Photo Card, and
- (c) prescribes grounds for the cancellation of a Photo Card by Transport for NSW, and
- (d) provides for the surrender of a Photo Card to Transport for NSW, and
- (e) requires a holder of a Photo Card to give notice to Transport for NSW of changes to the holder's name or address and makes it an offence for the holder to fail to do so, and
- (f) prescribes a relevant purpose for which a digital Photo Card may be used by Transport for NSW, and
- (g) permits the release of information of a personal nature contained in the Photo Card Register for specified purposes unless the release is not permitted under privacy legislation, and
- (h) prescribes circumstances when photographs provided to Transport for NSW in relation to applications for the issue of Photo Cards may be kept, used and released by Transport for NSW, and
- (i) provides for offences under the Act and this regulation that may be dealt with by way of a penalty notice.

public consultation draft

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Photo Card Regulation 2024

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Photo Card Act 2005

1 Name of regulation

This regulation is the *Photo Card Regulation 2024*.

2 Commencement

This regulation commences on 1 September 2024.

Note— This regulation replaces the *Photo Card Regulation 2014*, which is repealed on 1 September 2024 by the *Subordinate Legislation Act 1989*, section 10(2).

3 Definitions

In this regulation—

CEO of Service NSW means the Chief Executive Officer of Service NSW.

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

the Act means the *Photo Card Act 2005*.

Note— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this regulation.

4 Fees for Photo Cards—the Act, s 5(3)

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

- (a) for a 10-year Photo Card—
 - (i) if the applicant applies for the Photo Card at the same time as applying for the issue of a driver licence or the variation, renewal or replacement of the applicant's existing driver licence—\$6, 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)—\$17, or
 - (iii) if the applicant does not hold a driver licence—\$115,
- (b) for a 5-year Photo Card—
 - (i) if the applicant applies for the Photo Card at the same time as applying for the issue of a driver licence or the variation, renewal or replacement of the applicant's existing driver licence—\$6, 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)—\$17, or
 - (iii) if the applicant does not hold a driver licence—\$65.

5 Fees not payable by certain persons—the Act, s 5(3)

A fee for the issue of a Photo Card is not payable by the following—

- (a) a person who holds a Seniors Card issued by the NSW Government,
- (b) a person who is an eligible pensioner within the meaning of the *Motor Vehicles Taxation Act 1988*,

- (c) a person who—
 - (i) lives in New South Wales, and
 - (ii) receives a carer allowance under the *Social Security Act 1991* of the Commonwealth.

6 Grounds for cancellation of Photo Cards—the Act, s 11(1)

The following are prescribed as grounds on which a Photo Card may be cancelled by Transport for NSW—

- (a) the person has failed without reasonable excuse to comply with a requirement under the Act, section 16(1) or (2),
- (b) the person—
 - (i) has been convicted or found guilty of, or a guilty plea has been accepted for, an offence under the Act, or
 - (ii) has paid a penalty under the Act, section 34 for an alleged offence,
- (c) the person's Photo Card has been seized and retained under the Act, section 29.

7 Surrender of Photo Cards—the Act, s 36

- (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 no longer has effect.

8 Change of address or other particulars—the Act, s 14(6)

- (1) The holder of a Photo Card must notify Transport for NSW of a change to the following no later than 14 days after the change—
 - (a) the holder's name,
 - (b) the holder's residential address,
 - (c) the holder's address for service of notices.

Maximum penalty—20 penalty units.

- (2) The notice does not have to be in writing unless required by Transport for NSW.
- (3) A new residential address must be an address in New South Wales at which Transport for NSW may ordinarily contact the holder.
- (4) If there is no postal service to the holder's residential address, the holder must provide an address for the service of notices.
- (5) The holder is not required to give notice of a change under this section if the Photo Card—
 - (a) is no longer valid, or
 - (b) has been cancelled, or
 - (c) no longer has effect.

9 Use of digital Photo Cards—the Act, s 13A

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

10 Release of information from Photo Card Register—the Act, s 15

- (1) For the Act, section 15, 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 Act, section 15, information about a person may, with the consent of the person, be released to Service NSW to enable the CEO of Service NSW to exercise a function under the *Service NSW (One-stop Access to Government Services) Act 2013*, section 4.
- (3) For the Act, section 15, information other than a photograph, may be released to Austroads for the purposes of the National Exchange of Vehicle and Driver Information System.
- (4) Information of a personal nature must not be released if privacy legislation prevents the release.
- (5) In this section—
- Austrroads** means Austrroads Limited (ACN 136 812 390), and includes a successor to or continuation of that company.
- privacy legislation** means the following—
- (a) the *Privacy and Personal Information Protection Act 1998*,
 - (b) the *Health Records and Information Privacy Act 2002*,
 - (c) the regulations and codes of practice under the Acts referred to in paragraphs (a) and (b).

11 Purposes for which photographs may be kept and used—the Act, s 18(1)

For the Act, section 18(1)(g), a photograph may be kept and used by Transport for NSW for a purpose for which a photograph of a person may be kept and used under the *Road Transport (General) Regulation 2021*, section 111.

12 Release of photographs—the Act, s 19(1)(i)

For the Act, section 19(1)(i), a photograph of a person may be released—

- (a) for the use of a digital Photo Card, or
- (b) to verify the authenticity of a digital Photo Card, or
- (c) with the consent of the person, to Service NSW to enable the CEO of Service NSW to exercise a function under the *Service NSW (One-stop Access to Government Services) Act 2013*, section 4.

13 Savings

An act, matter or thing that, immediately before the repeal of the *Photo Card Regulation 2014*, had effect under that regulation continues to have effect under this regulation.

Schedule 1 Penalty notice offences

Application of schedule

- (1) For the Act, section 34—
 - (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)	\$125
Section 12	\$125
Section 28(2)	\$962
Offences under this regulation	
Section 8(1)	\$125
