



New South Wales

# Photo Card Regulation 2005

under the

Photo Card Act 2005

Her Excellency the Governor, with the advice of the Executive Council, on the recommendation of the Minister for Roads made after consultation with the Attorney General under section 6 (3) of the *Photo Card Act 2005*, has made the following Regulation under the *Photo Card Act 2005*.

JOSEPH TRIPODI, M.P.,  
Minister for Roads

## Explanatory note

The objects of this Regulation are:

- (a) to prescribe a fee for the issue of a Photo Card, and
- (b) to prescribe a condition for eligibility for a Photo Card, and
- (c) to prescribe purposes for which a photograph taken or provided in relation to an application for the issue of a Photo Card may be kept or used by the Roads and Traffic Authority (*the Authority*), and
- (d) to prescribe grounds on which the Authority may cancel a Photo Card, and
- (e) to provide for the surrender of a Photo Card, and
- (f) to require the holder of a Photo Card to notify the Authority if the holder changes his or her name or address, and
- (g) to make it an offence for the holder of a Photo Card to fail to notify the Authority of a change of name or address, and
- (h) to prescribe certain offences as offences for which a penalty notice may be served.

This Regulation is made under the *Photo Card Act 2005*, including sections 5 (3), 6 (1) (d), 11 (1) (e), 14 (6), 18 (1) (g), 34 and 36 (the general regulation-making power).

With the exception of clauses 4–6 and 8, this Regulation comprises or relates to matters of a machinery nature.

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## Contents

	Page
1 Name of Regulation	3
2 Commencement	3
3 Definitions	3
4 Fee for Photo Card	3
5 Eligibility for Photo Card	3
6 Cancellation of Photo Card	3
7 Surrender of Photo Card	4
8 Change of address or other particulars	4
9 Purposes for which photographs may be kept and used	4
10 Penalty notice offences and penalties	5
<b>Schedule 1</b>	
<b>Penalty notice offences</b>	<b>6</b>

## Photo Card Regulation 2005

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### 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—\$40, or
- (b) in the case of a replacement Photo Card—\$19.

### 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,

## 2005 No 793

Clause 7

Photo Card Regulation 2005

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- (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) (Road Rules) 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.

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**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.

**2005 No 793**

Photo Card Regulation 2005

Schedule 1      Penalty notice offences

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**Schedule 1      Penalty notice offences**

(Clause 10)

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
<b>Offences under the Act</b>	
Section 11 (3)	\$75
Section 12	\$75
Section 20 (1) (a)	\$575
Section 20 (1) (b)	\$575
Section 21 (a)	\$575
Section 21 (b)	\$575
Section 22 (1)	\$575
Section 22 (2)	\$575
Section 23 (a)	\$575
Section 23 (b)	\$575
Section 24 (1)	\$575
Section 24 (2) (a)	\$575
Section 24 (2) (b)	\$575
Section 25 (1)	\$575
Section 25 (2)	\$575
Section 28 (2)	\$575
<b>Offences under this Regulation</b>	
Clause 8 (1)	\$75

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BY AUTHORITY