



NSW Legislative Council Hansard

Photo Card Bill

Extract from NSW Legislative Council Hansard and Papers Thursday 7 April 2005.

Second Reading

The Hon. MICHAEL COSTA (Minister for Roads, Minister for Economic Reform, Minister for Ports, and Minister for the Hunter) [5.50 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The purpose of this bill is to make provision for the New South Wales Photo Card Scheme.

The bill authorises the RTA to introduce a voluntary New South Wales photo card for people in the community who do not hold a drivers licence or an existing proof of age card or another form of identification such as a passport or a New South Wales photo birth card.

Many people in the community often have a need to produce some form of personal identification to secure goods and services.

Businesses and government services also rely on a photo identification document to provide assurance that the person they are dealing with is who they say they are.

The New South Wales drivers licence has gained increasing utility in the community as a photo identification document.

While the drivers licence is designed specifically to achieve driver management goals, the broad utility of the New South Wales drivers licence card as a trusted and reliable photo identification document has placed an obligation on the Government to ensure that people who are unable to obtain a drivers licence are not unfairly disadvantaged.

The photo card will benefit those people in the community who may have a need for a photo identification document but who do not currently hold a drivers licence, may not be medically fit to hold a drivers licence, may be older than 25 years of age so have not been able to obtain a Department of Gaming And Racing proof-of-age card, or who do not hold a passport or cannot obtain a New South Wales photo birth card.

The voluntary photo card will make it easier for older people and people with disabilities who require photo identification but have not had the opportunity to obtain a valid photo identification document. The card will replace the existing proof-of-age card and will contain security and design features that will assist service providers in establishing evidence that a photo card holder is at least 18 years of age.

The bill is required to enable the Roads and Traffic Authority ("RTA") to produce photo identification cards under different eligibility requirements. These include requirements that only New South Wales residents may apply for the voluntary card and that a resident may not hold both a New South Wales photo card and a New South Wales drivers licence.

The eligibility requirements and the customer enrolment and proof of identity processes used by the RTA to establish entitlement to the photo card are consistent with New South Wales and national strategies to prevent identity fraud.

The RTA will apply stringent proof of identity checks on each individual and will implement new technical capacity to ensure that the photo image management regime is of the highest integrity and security.

The bill will also enable the re-use of latest, valid photo images for the purposes of the government licensing service. Business rules will be consistent across both schemes.

The bill contains general regulation making powers in relation to the administration and development of future RTA photo or other identification services delivered on behalf of the New South Wales Government.

The bill is designed to enable the RTA to adapt the photo card to incorporate future developments in security

technology that will help prevent identity fraud.

Future proofing the security and integrity of all RTA processes and systems linked to the issuing of photo cards, drivers licences and other photo licence cards, is a critical strategy to prevent criminal exploitation of weak entry points in the circular path of identity crime.

The RTA is at the forefront of national strategies to protect the integrity of these systems, which in future may include the use of biometric indicators and anti-tampering and anti-forgery technologies.

It would appear desirable that any technological solutions in these areas should be developed nationally to ensure compatibility and interoperability between jurisdictions.

In developing the New South Wales photo card, the RTA has sought a co-ordinated and co-operative national approach to maximise work being undertaken to prevent identity crimes.

The bill authorises the RTA to refuse an application for issue of a photo card in the circumstances when the RTA, forms the opinion that the applicant is not a 'fit and proper' person to hold such a card. Any future or additional grounds for refusal for an application of a photo card will be in accordance with regulations permitted under this bill.

The bill also provides the RTA with the power to cancel a photo card. Grounds for such cancellation action will be prescribed by regulation and will include fraudulent use of a photo card and misuse of a photo card.

The bill entitles the RTA to maintain a photo card register in conjunction with other information registers kept by the RTA and gives the RTA the power to correct any mistake or error or omission in the register of photo cards.

The bill provides safeguards on the release of information that will be contained in the photo card register.

Enforcement and offences constitute notable features of the bill before the house, and include requirements to produce the photo card to authorised officers. An authorised officer may seize a photo card in circumstances where the photo card is used in contravention of any provisions in this bill or any other act or law. An authorised officer may be a police officer or a person appointed by the RTA or a person or class of person prescribed by the regulations made under this bill.

The \$40 fee for the card represents costs associated with production of the card and is not based on the five-year tenure of the photo card. Given the voluntary nature of the card, there will be no concessions available. However, in the instance where an elderly holder of a New South Wales drivers licence is directed to surrender his or her drivers licence on medical or age grounds, the fee for the photo card may not apply.

It is important to note that the identity crime working group has directed the RTA to investigate the possible application of new technologies to drivers licences and other card issuance processes and to the security features on the card to prevent tampering and forgery. These may add significant additional costs to future photo cards and it is important that the RTA is able to resource these improvements.

To this end, the Government has endorsed the retention by the RTA of fees associated with the photo card. This will enable the RTA to implement any additional security features that future technology is likely to make available in the fight against identity fraud.

The new photo card will be delivered under strict identity fraud prevention guidelines. The RTA will continue its work with New South Wales Police and the New South Wales crime commission to ensure that the most secure systems and processes

surround the issuance of photo identification documents. These measures will also ensure that individual privacy and customer acceptance and convenience issues are at the forefront of service delivery.

The photo card will provide real benefits to a large section of New South Wales residents.

I commend the bill to the House.