

## Photo Card Bill 2004

New South Wales

### Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

#### Overview of Bill

The object of this Bill is to provide for the issue by the Roads and Traffic Authority (the **Authority**) of a Photo Card to residents of New South Wales who are over 16 and do not hold a driver licence. The Photo Card can be used as evidence of the age and identity of a person.

The Photo Card will replace the proof of age card currently issued by the Authority and current proof of age cards will cease to be valid after 3 years.

#### Outline of provisions

##### Part 1 Preliminary

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

**Clause 3** defines certain words and expressions used in the proposed Act.

**Clause 4** provides for the functions of the Authority under the proposed Act.

##### Part 2 Issue of Photo Card

**Clause 5** authorises the Authority to issue Photo Cards on payment of a fee prescribed by the regulations.

**Clause 6** sets out the criteria for eligibility for a Photo Card.

**Clause 7** sets out the grounds on which the issue of a Photo Card must or may be refused.

**Clause 8** provides for the form and manner in which an application for a Photo Card is to be made and for the information to be provided in support of an application.

**Clause 9** requires an applicant for a Photo Card to provide a photograph and sets out the ways in which the photograph can be provided.

**Clause 10** authorises the inclusion on a Photo Card of such other identity verification information as the Authority may determine.

**Clause 11** provides for the return and cancellation of Photo Cards on certain grounds.

**Clause 12** requires the damage, theft, loss or destruction of a Photo Card to be notified to the Authority.

**Clause 13** provides for the review by the Administrative Decisions Tribunal of decisions of the Authority to refuse to issue or to cancel a Photo Card.

##### Part 3 Photo Card Register

**Clause 14** requires the Authority to maintain a Photo Card Register.

**Clause 15** imposes obligations on the Authority to ensure the security of information on the Register.

**Clause 16** provides the Authority with powers designed to protect the integrity of information on the Register.

##### Part 4 Security arrangements for photographs

**Clause 17** provides that the Part applies to photographs taken or provided in relation to applications for the issue of a Photo Card.

**Clause 18** sets out the only purposes for which photographs to which the Part applies can be kept and used.

**Clause 19** imposes restrictions on the release of photographs to which the Part applies.

##### Part 5 Prevention of fraud

**Clause 20** creates offences of obtaining or attempting to obtain a Photo Card by a false statement, misrepresentation or other dishonest means, and possession of a

Photo Card so obtained.

**Clause 21** creates the offence of unlawful possession of a Photo Card.

**Clause 22** creates the offence of manufacturing false Photo Cards.

**Clause 23** creates offences concerned with giving or lending a Photo Card to another person.

**Clause 24** creates offences concerned with improper use of a Photo Card.

**Clause 25** creates offences of altering or tampering with a Photo Card.

**Clause 26** creates the offence of unauthorised reproduction of a Photo Card photograph.

**Clause 27** authorises the making of regulations for or with respect to the expiration of Photo Cards.

#### **Part 6 Enforcement**

**Clause 28** provides for an authorised officer to direct a person in possession of a Photo Card to produce it to the officer on suspicion of various irregularities.

**Clause 29** authorises the seizure of a Photo Card on various grounds.

#### **Part 7 Miscellaneous**

**Clause 30** creates the offence of making an unauthorised demand for production of a Photo Card.

**Clause 31** authorises the Authority to delegate functions under the proposed Act.

**Clause 32** gives protection against liability in connection with the exercise of functions under the proposed Act.

**Clause 33** provides for the recovery of unpaid fees and charges.

**Clause 34** provides for the issue of penalty notices for offences under the proposed Act.

**Clause 35** provides for the manner of taking proceedings for offences.

**Clause 36** is a general regulation-making power.

**Clause 37** gives effect to the Schedule of savings, transitional and other provisions.

**Clause 38** gives effect to the Schedule of consequential amendments to other Acts.

**Clause 39** requires the Minister to review the operation of the proposed Act in 5 years.

#### **Schedule 1 Savings, transitional and other provisions**

Schedule 1 contains a savings and transitional regulation-making power.

#### **Schedule 2 Amendment of Acts**

Schedule 2 contains amendments:

(a) to the *Fines Act 1996* to make a consequential amendment to the list of provisions of Acts that provide for the issue of penalty notices for offences, and

(b) to the *Licensing and Registration (Uniform Procedures) Act 2002* to authorise the keeping, use and release of photographs taken under that Act for the various purposes for which Photo Card photographs may be kept, used and released and for which driver licence photographs may be kept, used and released under the *Road Transport (Driver Licensing) Act 1998* and to remove a provision that provides for an applicant to have a choice as to how a photograph is to be provided, and

(c) to the *Liquor Act 1982* to provide for the replacement of the current proof of age card with the new Photo Card and for existing proof of age cards to remain valid only for a further 3 years, and

(d) to the *Road Transport (Driver Licensing) Act 1998* to authorise the keeping, use and release of photographs taken under that Act for the various purposes for which Photo Card photographs may be kept, used and released and for which photographs taken under the *Licensing and Registration (Uniform Procedures) Act 2002* may be kept, used and released, and to make amendments consequential on the replacement of the proof of age card with

the Photo Card.