



Photo Identification Card Act 2008

Photo Identification Card Regulation 2010

Current as at 1 April 2019

Reprint note

This is the last reprint before repeal. Repealed on 1 April 2019 by 2019 SL No. 29 s 10.

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Queensland

Photo Identification Card Regulation 2010

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Photo Identification Card Regulation 2010

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Photo Identification Card Regulation 2010*.

2 Commencement

This regulation commences on 24 July 2010.

2A Definition

In this regulation—

current postal address, for a person, means a postal address—

- (a) given by the person to the department for use by the department (whether or not it was given for the purpose of this regulation); and
- (b) for which no written or oral notice from the person, requiring the department to discontinue use of the postal address, has been received by the department.

Part 2 General

3 Fees

The fees payable under the Act are stated in schedule 1.

[s 3A]

3A Waiving payment of particular fee for person affected by natural disaster

- (1) This section applies if—
 - (a) a person applies for a replacement photo identification card because the card was damaged or lost; and
 - (b) the chief executive is satisfied the card was damaged or lost because of a natural disaster.
- (2) The chief executive may waive the fee payable under section 18(3)(b) of the Act for the application.

3B Waiving payment of application fee if licence surrendered or cancelled

- (1) This section applies if—
 - (a) a person applies for a photo identification card under section 8 of the Act; and
 - (b) before applying, the person had a Queensland driver licence that—
 - (i) was surrendered under the driver licensing regulation, section 123; or
 - (ii) was cancelled under the driver licensing regulation, section 125 for a ground mentioned in the regulation, section 124(a); and

Note—

The driver licensing regulation, section 124(a) provides a Queensland driver licence may be cancelled on the ground that the licensee has a mental or physical incapacity that is likely to adversely affect the licensee's ability to drive safely.

- (c) the application is the first application for a photo identification card made by the person after the surrender or cancellation of the person's Queensland driver licence.
- (2) The chief executive may waive the fee payable for the application under section 8(2)(b) of the Act.

(3) In this section—

driver licensing regulation means the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*.

Queensland driver licence see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

4 Photo identification card not received in post

(1) This section applies if—

- (a) the chief executive issues a photo identification card; and
- (b) the holder has not, within the time stated by the chief executive when the holder's application for the card was made, received the card in the post at—
 - (i) if there is a current postal address for the holder—the postal address; or
 - (ii) otherwise—the address stated in the application.

(2) The holder must promptly notify the chief executive that the holder has not received the photo identification card.

(3) If the chief executive is satisfied that the holder has not received the photo identification card because it has been lost or stolen, the chief executive may issue a replacement photo identification card to the holder.

Note—

See also section 19 of the Act, which requires a holder to give the chief executive notice if a card has been, or is reasonably suspected of being, lost or stolen.

5 Change of name, address or postal address

(1) This section applies if the holder of a photo identification card—

- (a) changes—
 - (i) the holder's name or address; or

- (ii) if there is a current postal address for the holder—the postal address; and
 - (b) gives the chief executive notice of the change.
- (2) If the chief executive is satisfied the information given by the holder is correct, the chief executive must—
 - (a) record the change in the photo identification register; and
 - (b) for a change of name—give the holder a replacement photo identification card that records the change of name.
- (3) No fee is payable for—
 - (a) recording the change in the photo identification register; or
 - (b) a replacement photo identification card for a change of name.

6 Notifiable events under other Acts

- (1) This section applies if the holder of a photo identification card—
 - (a) has an obligation under the Act to notify the chief executive of a notifiable event; and
 - (b) has an obligation under a prescribed smartcard Act to notify the chief executive, or the general manager under the *Maritime Safety Queensland Act 2002*, of the same notifiable event; and
 - (c) complies with the obligation under the prescribed smartcard Act.
- (2) The obligation under the Act to notify the chief executive of the notifiable event is taken to have been satisfied if any time allowed to make the notification under the Act has not expired.
- (3) In this section—

notifiable event, for the holder of a photo identification card, means any of the following—

- (a) a change of the holder's name;
- (b) a change of the holder's address;
- (c) if there is a current postal address for the holder—a change of the postal address.

prescribed smartcard Act means any of the following Acts—

- (a) the *Tow Truck Act 1973*;
- (b) the *Transport Operations (Marine Safety) Act 1994*;
- (c) the *Transport Operations (Passenger Transport) Act 1994*;
- (d) the *Transport Operations (Road Use Management) Act 1995*.

7 Dealing with superseded photo identification card

- (1) This section applies if—
 - (a) a person has in the person's possession a superseded photo identification card; and
 - (b) the chief executive gives the person a notice requiring the person to destroy the photo identification card in a stated way.
- (2) The person must comply with the notice.
Maximum penalty—20 penalty units.
- (3) However, this section does not apply if the person is required to return the photo identification card to the chief executive under the Act.

Part 3

Transitional provisions for Transport and Other Legislation Amendment Act 2017

8 Definitions for part

In this part—

adult proof of age card means an adult proof of age card under the pre-amended Act.

pre-amended Act means the Act as in force before the commencement.

previous, for a provision of this regulation, means the provision as in force before the commencement.

9 Replacement adult proof of age cards not yet issued

- (1) This section applies if—
 - (a) the holder of an adult proof of age card notified the chief executive, under previous section 4, that the person had not received the card in the post; and
 - (b) immediately before the commencement, the chief executive had not issued a replacement adult proof of age card under that section.
- (2) If the chief executive is satisfied the holder has not received the adult proof of age card because it has been lost or stolen, the chief executive may issue a photo identification card to the holder that states the information that was stated on the adult proof of age card.

10 Changes of name or address

- (1) This section applies if—
 - (a) the holder of an adult proof of age card—

- (i) changed the holder's name or address; and
 - (ii) gave the chief executive notice of the change of name under previous section 5; and
 - (b) immediately before the commencement, the chief executive had not given the holder a replacement adult proof of age card under that section.
- (2) If the chief executive is satisfied the information given by the holder is correct, the chief executive must give the holder a photo identification card that—
- (a) subject to paragraph (b)—states the information that was stated on the adult proof of age card; and
 - (b) records the change of name or address.

Schedule 1 Fees

section 3

		\$
1	Application for photo identification card (Act, s 8(2)(b))	69.00
2	Application for replacement photo identification card (Act, s 18(3)(b))	69.00