



Queensland

# Photo Identification Card Act 2008

Current as at [Not applicable]

## **Indicative reprint note**

This is an *unofficial* version of a reprint of this Act that incorporates all proposed amendments to the Act included in the Transport and Other Legislation (Road Safety, Technology and Other Matters) Amendment Bill 2020. This indicative reprint has been prepared for information only—*it is not an authorised reprint of the Act.*

The point-in-time date for this indicative reprint is the introduction date for the Transport and Other Legislation (Road Safety, Technology and Other Matters) Amendment Bill 2020—17 March 2020.

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Queensland

# Photo Identification Card Act 2008

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Photo Identification Card Act 2008

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## Photo Identification Card Act 2008

**An Act to provide for the issue to a person of at least 15 years of a card that may be used as proof of the age of its holder, and matters relating to the card**

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### Part 1 Preliminary

**1 Short title**

This Act may be cited as the *Photo Identification Card Act 2008*.

**2 Commencement**

This Act commences on a day to be fixed by proclamation.

**3 Object of Act**

- (1) The object of this Act is to allow the chief executive to issue a card—
  - (a) on which information may be stored electronically; and
  - (b) that may be used by a person as identification of the person's age.
- (2) To ensure the integrity of photo identification cards, this Act provides for the chief executive to establish a person's identity before issuing the person with a photo identification card.

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Part 2 Photo identification card

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#### **4 Definitions**

The dictionary in the schedule defines particular words used in this Act.

## **Part 2 Photo identification card**

### **Division 1 Preliminary**

#### **5 What is a *photo identification card***

A *photo identification card* is a proof of age card issued under this Act—

- (a) that states a person is at least 15 years; and
- (b) on which information may be stored electronically.

#### **6 Card is property of the State**

- (1) A photo identification card is and remains the property of the State.
- (2) Subsection (1) applies even though a person other than the State—
  - (a) has the right to use information that is on the card or stored electronically on it; or
  - (b) has the right to have information stored on the card.
- (3) The State is not legally liable for an act or omission relating to the keeping or use of the photo identification card.

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## Division 2                      Applying for card

### 7                      Eligibility for card

A person (an *eligible person*) is eligible to apply for a photo identification card if the person—

- (a) ordinarily resides in Queensland; and
- (b) is at least 15 years.

### 8                      Application for card

- (1) An eligible person may apply to the chief executive for a photo identification card.

*Note—*

See part 5 for requirements about the application.

- (2) The application must be accompanied by—
  - (a) documentary proof of the applicant's identity and eligibility as mentioned in section 7; and
  - (b) the prescribed fee.

### 11                      Decision on application

- (1) Subject to section 34(4) and (5), the chief executive must consider an application made under section 8 and either grant it or refuse to grant it.
- (2) However, the chief executive may only grant an application made under section 8 if—
  - (a) satisfied—
    - (i) of the applicant's identity; and
    - (ii) that the applicant is an eligible person; and
  - (b) the prescribed fee has been paid.

- (3) If the chief executive decides to refuse to grant the application, the chief executive must give the applicant an information notice for the decision.

**12 Issue of card**

If the chief executive decides to grant the application, the chief executive must issue a photo identification card to the applicant.

**13 Expiry of card**

Unless it is sooner cancelled under division 3, a photo identification card expires on the day stated on the card, being a day that is not longer than 10 years after the day the card is issued.

**Division 3 Cancellling and surrendering card**

**14 Grounds for cancelling card**

The chief executive may cancel a photo identification card if the card was issued because of a document or representation that was false or misleading.

**15 Procedure for cancelling card**

- (1) If the chief executive considers a ground exists under section 14 to cancel a person's photo identification card, the chief executive must give the person a written notice stating—
- (a) the chief executive is proposing to cancel the card; and
  - (b) the ground for the proposed cancellation; and
  - (c) an outline of the facts and circumstances forming the basis for the ground; and

- 
- (d) an invitation to the person to show cause in writing, within a stated period of at least 28 days after the notice is given to the holder, why the chief executive should not cancel the card.
  - (2) If, after considering any written representations made within the stated period, the chief executive still considers the ground exists to cancel the card, the chief executive may cancel the card by giving the person an information notice for the decision to cancel the card.
  - (3) The cancellation takes effect when the person receives the information notice under subsection (2).
  - (4) If the chief executive decides to cancel the card, the chief executive must give the person a written direction to return the card to the chief executive by the day, at least 14 days after the direction is given to the person, stated in the direction.
  - (5) A person who is directed under subsection (4) to return a photo identification card must comply with the direction, unless the person has a reasonable excuse.  
Maximum penalty—20 penalty units.
  - (6) A person does not contravene a direction under subsection (4) if—
    - (a) the card has been destroyed, lost or stolen; and
    - (b) the person notifies the chief executive in writing of the details of the loss, theft or destruction within the period stated in the direction.

## 16 Surrendering card

The holder of a photo identification card may surrender the card by returning it, and giving notice of its surrender, to the chief executive.

*Note—*

See part 5 for requirements about the notice.

## Division 4 Replacing card

### 17 Chief executive may require card to be replaced

- (1) This section applies if—
  - (a) information stated on a photo identification card is incorrect; and
  - (b) the chief executive reasonably believes the error was caused by the chief executive.
- (2) The chief executive may, by written notice, require the holder of the card to return the card to the chief executive.
- (3) The notice must include a statement identifying the information that is incorrect and the correct information.
- (4) The holder must comply with the notice, unless the holder has a reasonable excuse.

Maximum penalty—20 penalty units.
- (5) On receipt of the card, the chief executive must issue to the holder a replacement photo identification card stating the correct information.

### 18 Holder may apply for replacement card

- (1) This section applies if—
  - (a) information stated on a valid photo identification card is incorrect; or
  - (b) the holder of a valid photo identification card becomes aware, or reasonably suspects, the card has been damaged, lost or stolen.
- (2) The holder of the photo identification card (the *original card*) may apply to the chief executive for a replacement photo identification card.

*Note—*

See part 5 for requirements about the application.

- 
- (3) The application must be accompanied by—
    - (a) the original card, unless it was, or the holder reasonably suspects it was, destroyed, lost or stolen; and
    - (b) the prescribed fee.
  - (4) Subject to section 34(4) and (5), the chief executive must issue a replacement photo identification card to the applicant if satisfied—
    - (a) information stated on the original card is incorrect; or
    - (b) the original card has been damaged, lost or stolen.
  - (5) If the application was made because information stated on the original card was incorrect, the replacement photo identification card must state the correct information.

## Part 3                      Offences

### Division 1                General

#### 19      Damaged, lost or stolen card

- (1) This section applies if the holder of a valid photo identification card (the *original card*) becomes aware, or reasonably suspects, the card has been damaged, lost or stolen.
- (2) As soon as practicable after becoming aware or forming the suspicion as mentioned in subsection (1), the holder must give the chief executive notice of the damage, loss or theft.

Maximum penalty—20 penalty units.

*Note—*

See part 5 for requirements about the notice.

- (3) If the original card comes into, or returns to, the holder's possession after a replacement card is issued to the holder, the holder must return the original card to the chief executive.

Maximum penalty—20 penalty units.

## **Division 2                      Offences relating to obtaining or using card**

### **20            Application of div 2**

This division does not apply to any of the following persons carrying out a function, or exercising a power, under this or another Act—

- (a) the chief executive;
- (b) the commissioner of the police service;
- (c) a police officer.

### **21            Damaging card**

A person must not wilfully damage a photo identification card.

Maximum penalty—40 penalty units.

### **22            False or misleading representation**

- (1) A person must not, for this Act, give the chief executive a document containing information the person knows is false or misleading in a material particular.

Maximum penalty—40 penalty units.

- (2) Subsection (1) does not apply to information contained in a document if the person, when giving the document—
- (a) informs the chief executive, to the best of the person's ability, how the information is false or misleading; and
  - (b) if the person has, or can reasonably obtain, the correct information—gives the correct information.

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**23 Wrongful dealing with documents relevant to obtaining card**

- (1) A person must not give another person a document that is, or contains, evidence of the age of the person mentioned in the document (the *stated person*), if the person knows, or ought reasonably to know, that the document may be used to obtain a photo identification card for someone other than the stated person.

Maximum penalty—40 penalty units.

- (2) A person must not give another person a document containing information the person knows is false or misleading in a material particular if the person knows, or ought reasonably to know, the other person intends to use the document to obtain a photo identification card.

Maximum penalty—40 penalty units.

**23A Proof of giving documents**

- (1) This section applies to a proceeding for an offence against section 22(1) or 23(1) or (2).
- (2) It is sufficient proof the document was given to the chief executive or another person to prove it was given to a person authorised to receive it for the chief executive or other person.
- (3) It does not matter whether the person was the chief executive or another person or whether the authorisation was a delegation, agency or any other form of authorisation by which someone acts through another.

**24 Possessing another person's card**

- (1) A person must not possess another person's photo identification card unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

- (2) A person must not give the person's photo identification card to another person if the person knows, or ought reasonably to

know, the other person intends to use the card to deceive someone.

Maximum penalty—40 penalty units.

- (3) For subsection (2), it is irrelevant whether the person intended to be deceived is known or unknown, or exists or does not exist.

**25 Documents purporting to be photo identification card**

- (1) A person must not possess a document that resembles a photo identification card and is calculated to deceive someone.

Maximum penalty—40 penalty units.

- (2) A person must not give another person a document that resembles a photo identification card and is calculated to deceive someone.

Maximum penalty—40 penalty units.

- (3) For subsections (1) and (2), it is irrelevant whether the person intended to be deceived is known or unknown, or exists or does not exist.

**Part 4 Photo identification register**

**26 Chief executive must maintain a register**

- (1) The chief executive must maintain a register (*photo identification register*) containing the following details for each holder of a photo identification card—

- (a) the holder's customer number;
- (b) the holder's full name;
- (c) the holder's residential address;
- (d) if the holder's address for service of notices differs from the holder's residential address—the holder's address for service of notices;

- 
- (e) the holder's date of birth;
  - (f) the holder's sex;
  - (g) all of the following dates—
    - (i) the date the card was issued to the holder;
    - (ii) the date the card expires;
    - (iii) if the card is replaced under part 2, division 4—the date the replacement card was issued to the holder.
- (2) The chief executive may also record in the register any other information the chief executive reasonably considers appropriate for this Act.
- (3) In this section—
- customer number*, for a person, means the number the chief executive gives to the person under this Act to identify the person as the holder of a photo identification card.

## **27 Form of photo identification register**

- (1) The photo identification register may be entirely or partly in any of the following forms—
- (a) a computer database;
  - (b) a documentary form;
  - (c) another form the chief executive considers appropriate.
- (2) The photo identification register may be a part of another register maintained by the chief executive under the *Transport Operations (Road Use Management) Act 1995*.

## **28 Amending photo identification register**

The chief executive may, on the chief executive's own initiative or on application by the holder of a photo identification card, amend the photo identification register to—

- (a) correct an error in it; or
- (b) include information missing from it; or
- (c) update the information in it.

**29 Inquiry into accuracy etc. of details in photo identification register**

- (1) This section applies if the chief executive reasonably believes information recorded in the photo identification register about the holder of a photo identification card is inaccurate, incomplete or misleading.
- (2) The chief executive may give the holder a written notice requiring the holder to give to the chief executive, by the date stated in the notice, further information or documents relating to the information considered to be inaccurate, incomplete or misleading.
- (3) The date stated in the notice must be at least 28 days after the notice is given to the holder.
- (4) The holder must comply with the notice, unless the holder has a reasonable excuse.

Maximum penalty for subsection (4)—20 penalty units.

**30 Restricted written release of information in photo identification register**

- (1) The chief executive may release, in writing, information kept in the photo identification register about a person's photo identification card to—
  - (a) on receiving an application—
    - (i) the person; or
    - (ii) with the person's written consent—another entity;  
or

*Note—*

See part 5 for requirements about the application.

- 
- (b) the commissioner of the police service for the purpose of any function of the commissioner or any function of the police service; or
  - (c) a person who issues proof of age cards under a law of the Commonwealth or another State, and the release of the information is for issuing a proof of age card under that law.
- (2) Also, the chief executive may release, in writing, to an entity information kept in the photo identification register about a person's photo identification card if—
- (a) the person produces the card to the entity as proof of the person's identity; and
  - (b) the entity applies for the information; and
- Note—*  
See part 5 for requirements about the application.
- (c) the information is necessary to verify the validity of the card.
- (3) Before releasing information to a person under subsection (1)(c), the chief executive must be satisfied any release of the information by the person will be limited to circumstances similar to those mentioned in subsection (1).

**30A Restricted oral release of information in photo identification register**

- (1) The chief executive may orally release, to a person, information kept in the photo identification register about the person's photo identification card.
- (2) However, subsection (1) applies only if the chief executive is satisfied that the person is the person to whom the information relates.

*Example for subsection (2)—*

The chief executive may be satisfied as required under subsection (2) if a person correctly answers a series of questions, or produces a document, for identifying the person.

## **Part 5 Requirements for particular applications and notices**

### **31 Definitions for part**

In this part—

*application* means an application made under section 8, 18 or 30(1)(a) or (2)(b).

*information* includes a document.

*notification* means a notice required under section 16 or 19(2).

### **32 Chief executive may publish a notice about applications or notifications**

- (1) The chief executive may, by publishing a notice on the department's website—
  - (a) approve a way in which an application or notification may be made; or  
*Examples of a way—*
    - orally, by electronic communication or by another form of communication
  - (b) require stated information to be given in or with an application or notification.
- (2) A notice under subsection (1)(a) may include requirements for making an application or giving a notification in the approved way.
- (3) A notice under subsection (1)(b) may only require information that is reasonably necessary for—
  - (a) the chief executive to decide the application or consider the notification; or
  - (b) another purpose related to the application, the thing being applied for or the notification.

*Examples of information that is not reasonably necessary—*

- irrelevant personal information
  - relevant personal information if the provision of the information would be excessively intrusive to personal privacy
- (4) This section applies whether or not there is an approved form for making the application or giving the notification.

(5) In this section—

*department's website* means a website, or part of a website—

- (a) administered by the department; and
- (b) with a URL that contains [qld.gov.au](http://qld.gov.au).

### **33 How applications or notifications must be made or given**

- (1) An application or notification must be made or given—
- (a) if there is an approved form for the application or notification—in that form; or
  - (b) if there is an approved way under section 32(1)(a) for making the application or giving the notification—in that way; or
  - (c) otherwise—in writing.
- (2) An application or notification must include any information required under section 32(1)(b).
- (3) Subsection (2) does not limit another provision of this Act that requires an application or notification to include, or be accompanied by, particular information.

### **34 Chief executive may request further information for application**

- (1) The chief executive may give an applicant a written notice asking for further information that the chief executive reasonably needs to decide an application.
- (2) The notice—

- (a) must state—
  - (i) the information required; and
  - (ii) the time, no earlier than 28 days after the notice is given, by which the information must be given; and
  - (iii) that, if the applicant does not comply with the notice, the chief executive may cancel the application; and
- (b) may state a way in which the information must be given.
- (3) If the notice does not state a way in which the information must be given, the information must be given in writing.
- (4) If the applicant does not comply with the notice, the chief executive may give the applicant a further notice cancelling the application.
- (5) A notice cancelling the application has effect on the day it is given to the applicant or a later day stated in it.

## Part 6 Review of decisions

### 39 Internal review of decisions

- (1) A person whose interests are affected by either of the following decisions (the *original decision*) of the chief executive may ask the chief executive to review the decision—
  - (a) a decision to refuse to issue a photo identification card;
  - (b) a decision to cancel a photo identification card.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision of this Act under which the decision was made requires that the person be given a statement of reasons for the decision.

- 
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
- (a) applies to the review; and
  - (b) provides—
    - (i) for the procedure for applying for the review and the way it is to be carried out; and
    - (ii) that the original decision may be stayed by the person by applying to QCAT.

#### 40 External review of decisions

- (1) If a reviewed decision is not the decision sought by the applicant for the review, the chief executive must give the applicant a QCAT information notice for the reviewed decision.
- (2) The applicant may apply, as provided under the QCAT Act, to QCAT for a review of the reviewed decision.

*Note—*

The QCAT Act, section 22(3) provides that QCAT may stay the operation of the reviewed decision, either on application by a person or on its own initiative.

- (3) In this section—

***QCAT information notice*** means a notice complying with the QCAT Act, section 157(2).

***reviewed decision*** means the chief executive's decision on a review under section 39.

## Part 7 Legal proceedings

#### 41 Application of pt 7

This part applies to a proceeding under this Act.

**42 Evidence from photo identification register**

A certificate purporting to be signed by the chief executive and stating any of the following matters is evidence of the matter—

- (a) a stated document is the photo identification register, a part of the register, or an extract from the register;
- (b) a stated document is a copy of the register, part or extract mentioned in paragraph (a);
- (c) on a stated day, or for a stated period, a stated person was or was not the holder of a valid photo identification card;
- (d) on a stated day, a stated person's photo identification card expired, or was surrendered or cancelled.

**43 Proof of appointment and authority unnecessary**

(1) For a proceeding under this Act, the following must be presumed unless a party to the proceeding, by prescribed notice, requires proof of it—

- (a) the appointment of the chief executive;
- (b) the authority of the chief executive to do anything under this Act.

(2) In this section—

*prescribed notice*, for a proceeding under this Act, means notice given to the chief executive at least 14 days before the day a court starts to hear the proceeding.

**44 Proof of signature unnecessary**

A signature purporting to be the signature of the chief executive is evidence of the signature it purports to be.

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**45 Proceedings for offences**

A proceeding for an offence against this Act is to be taken in a summary way under the *Justices Act 1886*.

**Part 8 Miscellaneous**

**46 Confidentiality**

(1) A person must not disclose, record or use information that the person gained—

- (a) through involvement in the administration of this Act; or
- (b) because of an opportunity provided by the involvement.

Maximum penalty—200 penalty units.

(2) However, a person may disclose, record or use the information—

- (a) in the discharge of a function under this Act; or
- (b) if it is authorised—
  - (i) under another Act or a regulation; or
  - (ii) by the person to whom the information relates; or
- (c) in a proceeding before a court or tribunal in which the information is relevant.

(3) In this section—

**disclose** information means—

- (a) intentionally or recklessly disclose the information; or
- (b) allow access to the information.

**information** includes a digital photo and digitised signature.

**47 Protection from liability**

- (1) This section applies to each of the following persons (a *relevant person*)—
  - (a) the chief executive;
  - (b) a person authorised by the chief executive to do something under this Act.
- (2) A relevant person is not civilly liable for an act done, or omission made, honestly and without negligence under this Act.
- (3) If subsection (2) prevents civil liability attaching to a relevant person, the liability attaches instead to the State.

**47A Keeping and using information obtained or kept under this Act or particular transport Acts**

- (1) The chief executive may, for this Act, keep or use information obtained or kept under a particular transport Act if the information—
  - (a) relates to any matter under this Act; or
  - (b) concerns the administration of this Act.
- (2) The chief executive may, for a particular transport Act, keep or use information obtained or kept under this Act if the information—
  - (a) relates to any matter under the particular transport Act; or
  - (b) concerns the administration of the particular transport Act.
- (3) The general manager under the *Maritime Safety Queensland Act 2002* may, for the *Transport Operations (Marine Safety) Act 1994*, keep or use information obtained or kept under this Act if the information—
  - (a) relates to any matter under the *Transport Operations (Marine Safety) Act 1994*; or

- 
- (b) concerns the administration of the *Transport Operations (Marine Safety) Act 1994*.
- (4) Information that may be kept or used under subsection (1), (2) or (3) does not include a digital photo and digitised signature.
- (5) This section applies despite a provision of this or another Act.
- (6) In this section—
- particular transport Act*** means a following Act—
- (a) the *Tow Truck Act 1973*;
  - (b) the *Transport Infrastructure Act 1994*;
  - (c) the *Transport Operations (Marine Safety) Act 1994*;
  - (d) the *Transport Operations (Passenger Transport) Act 1994*;
  - (e) the *Transport Operations (Road Use Management) Act 1995*;
  - (f) ~~the *Transport Security (Counter-Terrorism) Act 2008*~~;
  - (f) the *Transport Planning and Coordination Act 1994*;
  - (g) the *Transport Security (Counter-Terrorism) Act 2008*.

#### 48 Approved forms

The chief executive may approve forms for use under this Act.

#### 49 Regulation-making power

- (1) The Governor in Council may make regulations under this Act.
- (2) Without limiting subsection (1), a regulation made under this Act may do any or all of the following—
- (a) impose a penalty of not more than 20 penalty units for a contravention of a provision of the regulation;

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- (b) subject to subsection (3), prescribe fees payable under this Act and the matters for which fees are payable;
  - (c) provide for the review of decisions made under the regulation.
- (3) A regulation can not prescribe a fee for the replacement of a photo identification card if the replacement is the result of information on the card being incorrect because of an error made by the chief executive.
- (4) Also, without limiting subsection (1), a regulation may provide for a PIN to be used by the holder of a valid photo identification card as a security measure to protect information stored electronically on the card.

## **Part 9 Transitional provisions**

### **Division 1 Transitional provision for Holidays and Other Legislation Amendment Act 2015**

#### **50 Digital photos and digitised signatures**

A digital photo or digitised signature of a person kept under this Act by the chief executive immediately before the commencement is, on the commencement, taken to be kept under the TPC Act by the chief executive of the department in which that Act is administered.

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**Division 2**                      **Transitional provisions for  
Transport and Other Legislation  
Amendment Act 2017**

**51**        **Definitions for part**

In this part—

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

*amended*, for a provision of this Act, means the provision as in force after the commencement.

*APA register* means the APA register under the pre-amended Act.

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

**52**        **Existing adult proof of age cards**

An adult proof of age card in force immediately before the commencement continues in force as a photo identification card.

**53**        **Existing applications for new adult proof of age cards**

- (1) This section applies if, immediately before the commencement, an application made under section 8 or 9 of the pre-amended Act had not been decided.
- (2) For deciding the application, the pre-amended Act continues to apply as if the *Transport and Other Legislation Amendment Act 2017* had not been enacted.
- (3) However—
  - (a) if the chief executive decides to grant the application—
    - (i) the decision is taken to have been made under amended section 11; and

- (ii) the chief executive must issue a photo identification card to the applicant under amended section 12; or
- (b) if the chief executive decides to refuse the application, amended part 6 applies as if the decision had been made in relation to a photo identification card after the commencement.

**54 Replacement of adult proof of age cards**

- (1) This section applies if the chief executive—
  - (a) gave the holder of an adult proof of age card a written notice under section 17 of the pre-amended Act in relation to the card; and
  - (b) immediately before the commencement, had not replaced the card under that section.
- (2) On receipt of the card, the chief executive must replace the adult proof of age card with a replacement photo identification card that states—
  - (a) subject to paragraph (b)—the information that was stated on the adult proof of age card; and
  - (b) the correct information the subject of the notice.
- (3) Subsection (2) applies whether the chief executive received the person’s adult proof of age card before or after the commencement.

**55 Existing applications for replacement adult proof of age cards**

- (1) This section applies if—
  - (a) an application for a replacement adult proof of age card was validly made under section 18 of the pre-amended Act; and

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- (b) immediately before the commencement, the chief executive had not issued a replacement adult proof of age card under that section.
  - (2) The chief executive must issue a photo identification card to the applicant that states—
    - (a) subject to paragraph (b)—the information that was stated on the adult proof of age card the subject of the application; and
    - (b) if the application was made because information stated on the adult proof of age card was incorrect—the correct information.

**56 Particular information taken to be contained in photo identification register**

Information contained in the APA register for the holder of an adult proof of age card is taken to be contained in the photo identification register for the holder.

**57 Existing inquiries into accuracy etc. of details in APA register**

- (1) This section applies if—
  - (a) the chief executive gave the holder of an adult proof of age card a written notice under section 29 of the pre-amended Act; and
  - (b) immediately before the commencement, the holder had not complied with the notice.
- (2) The notice is taken to have been given under amended section 29 in relation to information recorded in the photo identification register about the holder's photo identification card.

**58 Existing applications for particular information**

- (1) This section applies if, immediately before the commencement, an application under section 30(1)(a) or (2)(b) of the pre-amended Act had been made but not decided.
- (2) For deciding the application, the pre-amended Act continues to apply as if the *Transport and Other Legislation Amendment Act 2017* had not been enacted.

**59 Existing applications for review**

- (1) Subsection (2) applies if—
  - (a) a person asked the chief executive to review an original decision under section 39(1) of the pre-amended Act; and
  - (b) immediately before the commencement, the chief executive had not decided the review.
- (2) Amended part 6 applies in relation to the person's photo identification card as if—
  - (a) the original decision was made under the Act as in force after the commencement; and
  - (b) the person asked the chief executive to review the decision under amended section 39(1).

*Note—*

Under section 52, an adult proof of age card in force immediately before the commencement continues in force as a photo identification card after the commencement.

- (3) Subsection (4) applies if, before the commencement—
  - (a) the chief executive gave an applicant a QCAT information notice for a reviewed decision under section 40(1) of the pre-amended Act; and
  - (b) the period within which the applicant could have applied to QCAT for a review of the decision had not expired.

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- (4) Amended part 6 applies in relation to the person's photo identification card as if—
- (a) the reviewed decision was made under the Act as in force after the commencement; and
  - (b) the chief executive gave the person a QCAT information notice under section 40(1) as in force after the commencement.

*Note—*

Under section 52, an adult proof of age card in force immediately before the commencement continues in force as a photo identification card after the commencement.

**60 Existing legal proceedings**

- (1) This section applies if, immediately before the commencement, a proceeding started under a provision of the pre-amended Act in relation to a person's adult proof of age card had not been finalised.
- (2) For the purposes of finalising the proceeding—
  - (a) the proceeding is taken to have been started—
    - (i) under the amended provision; and
    - (ii) in relation to the person's photo identification card; and
  - (b) this Act as in force after the commencement is taken to apply.

## Schedule Dictionary

section 4

***applicant*** means an applicant for a photo identification card.

***application***, for part 5, see section 31.

***card*** means a photo identification card.

***damaged***, in relation to a photo identification card—

- (a) means—
  - (i) the card is damaged to an extent that—
    - (A) any information on the card is impossible or difficult to read without the use of technology; or
    - (B) a digital photo or a digitised signature on the card is impossible or difficult to recognise without the use of technology; or
  - (ii) any information stored electronically on the card is no longer accessible by using the holder's PIN; and
- (b) includes destroyed.

***digital photo***, of a person, see the TPC Act, schedule 1.

***digitised signature***, of a person, see the TPC Act, schedule 1.

***electronic communication*** see the *Electronic Transactions (Queensland) Act 2001*, schedule 2.

***eligible person*** see section 7.

***holder***, of a photo identification card, means the person to whom the card is issued.

***information***, for part 5, see section 31.

***information notice***, for a decision, means a notice stating the following—

- (a) the decision;

- (b) the reasons for the decision;
- (c) that the person to whom the notice is given may—
  - (i) under section 39—ask for the decision to be reviewed by the chief executive; and
  - (ii) under the *Transport Planning and Coordination Act 1994*, part 5, division 2—apply to QCAT for the decision to be stayed; and
  - (iii) under section 40—ask for the chief executive’s decision on the review (the **reviewed decision**) to be reviewed by QCAT; and
  - (iv) under the QCAT Act—apply for the reviewed decision to be stayed.

**most recent digital photo**, of a person, see the TPC Act, section 28E.

**most recent digitised signature**, of a person, see the TPC Act, section 28E.

**notification**, for part 5, see section 31.

**photo identification card** see section 5.

**photo identification register** see section 26(1).

**prescribed fee** means the fee prescribed under a regulation.

**proof of age card** means a document that—

- (a) contains a photo of the person to whom it is issued; and
- (b) indicates by reference to the person’s date of birth or otherwise that the person has attained a particular age.

**shelf life**, of a person’s digital photo or digitised signature, see the TPC Act, section 28E.

**TPC Act** means the *Transport Planning and Coordination Act 1994*.

**valid photo identification card** means a photo identification card that has not—

- (a) expired; or
- (b) been surrendered or cancelled.