

Western Australian Photo Card Regulations 2014

Compare between:

[01 Jul 2018, 01-c0-01] and [30 Mar 2019, 01-d0-00]

Western Australia

Western Australian Photo Card Act 2014

Western Australian Photo Card Regulations 2014

Part 1 — Preliminary

1. Citation

These regulations are the Western Australian Photo Card Regulations 2014.

2. Commencement

These regulations come into operation on the day on which the *Western Australian Photo Card Act 2014*, other than sections 1 and 2, comes into operation.

3. Terms used

In these regulations —

current photo card means a photo card that is current under regulation 6;

section means a section of the Act.

Part 2 — Western Australian Photo Card

4. Replacement photo cards

- (1) In this regulation
 - *applicant* means a person who makes an application under section 5 for a replacement photo card.
- (2) The CEO may issue a replacement photo card under section 7 to an applicant if the CEO is satisfied that a photo card previously issued to the applicant has been stolen, lost, destroyed or there is any other good reason for the photo card to be replaced.

5. Additional photo cards

- (1) In this regulation
 - *applicant* means a person who makes an application under section 5 for an additional photo card.
- (2) The CEO may issue an additional photo card under section 7 to an applicant to enable the applicant to hold a photo card containing the applicant's residential address and a photo card that does not contain the applicant's residential address.

6. Duration of photo card

- (1) A photo card is current for a period beginning on the day on which the photo card is issued by the CEO.
- (2) Unless cancelled sooner under section 10, the period for which a photo card is current is
 - (a) 5 years; or
 - (b) if subregulation (3), (4) or (5) applies, the period provided for by that subregulation.
- (3) If a new photo card is issued before or on the expiry day of the current card (as defined in section 5(4)), the new photo card is current until the day that would have been the expiry day of that

- card had it been issued for a period of 5 years beginning on the day after the expiry day of the current card.
- (4) If a replacement photo card is issued in accordance with regulation 4
 - on the day the replacement photo card is issued the photo card that is being replaced (the *replaced card*) ceases to be current; and
 - the replacement photo card is current until the day that (b) would have been the expiry day of the replaced card had the replaced card not ceased to be current under paragraph (a).
- If an additional photo card is issued to an applicant in (5) accordance with regulation 5 at a time after the issue of the other card held by the applicant (the other card), the additional photo card is current until the expiry day of the other card.

7. Fees under s. 5(3)(c)

The fees specified in the Table are prescribed for the purposes of section 5(3)(c).

Table

Item	Matter	Fee (\$)
1.	Application for, and issue of, a photo card other than a photo card referred to in item 2 or 3	44.00
2.	Application for, and issue of, a replacement photo card in accordance with r. 4	30.00
3.	Application for, and issue of, an additional photo card in accordance with r. 5	44.00

[Regulation 7 amended: Gazette 12 Jun 2015 p. 2041; 14 Jun 2016 p. 2003; 23 Jun 2017 p. 3278; 22 Jun 2018 p. 2193.]

7A. No fee payable by certain seniors and veterans

A fee set out in regulation 7 is not payable if the CEO is satisfied that the person making an application —

- (a) is the holder of a current age pensioner concession card issued by the Department of Human Services, or the Department of Veterans' Affairs, of the Commonwealth; or
- (b) is the holder of both a current WA Seniors Card and a current Commonwealth Seniors Health Card; or
- (c) is the holder of a current gold card as defined in the *Veterans' Entitlements Act 1986* (Commonwealth) for
 - (i) total and permanent incapacitation; or
 - (ii) extreme disablement adjustment.

[Regulation 7A inserted: Gazette 14 Jun 2016 p. 1838.]

7B. Reduced fees for certain card holders

A fee set out in regulation 7 must be reduced by 50% if the CEO is satisfied that the person making the application —

- (a) is the holder of a current pensioner concession card, other than the card mentioned in regulation 7A(a), issued by the Department of Human Services, or the Department of Veterans' Affairs, of the Commonwealth; or
- (b) is the holder of a current WA Seniors Card but not a Commonwealth Seniors Health Card.

[Regulation 7B inserted: Gazette 14 Jun 2016 p. 1839.]

Part 2

8. Stolen, lost or destroyed photo cards

(1) If a current photo card is stolen, lost or destroyed, the cardholder must, in accordance with subregulation (2), give the CEO notice of that fact.

Penalty: a fine of \$250.

- (2) The notice must be given
 - (a) in writing or in any other manner approved in writing by the CEO; and
 - (b) within the period of 21 days after the day on which the cardholder becomes aware that the photo card has been stolen, lost or destroyed.

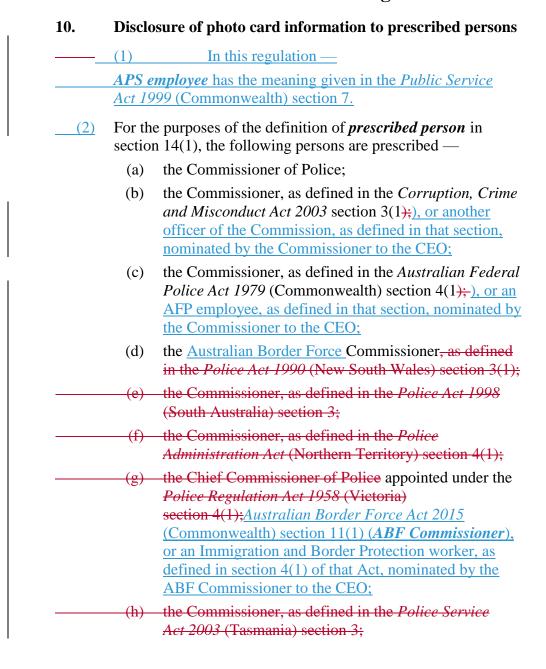
9. Change of cardholder's address

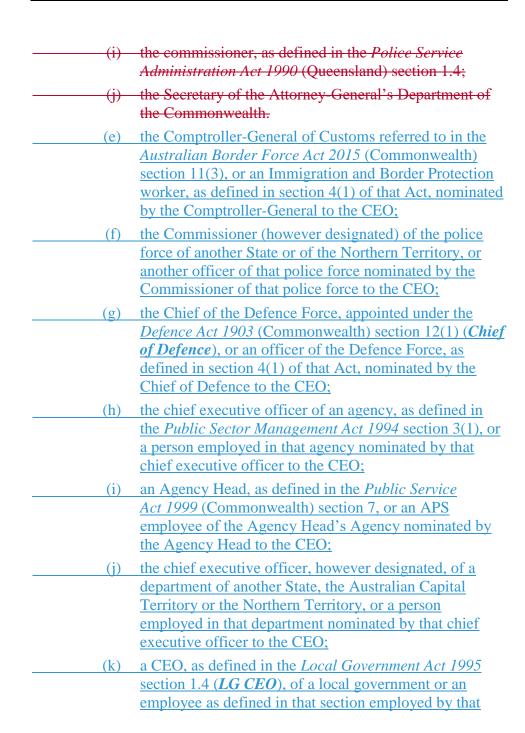
(1) If, in respect of a current photo card, the residential address that the cardholder most recently gave to the CEO ceases to be the cardholder's current residential address, the cardholder must, in accordance with subregulation (2), give the CEO notice of that fact and of the cardholder's current residential address.

Penalty: a fine of \$250.

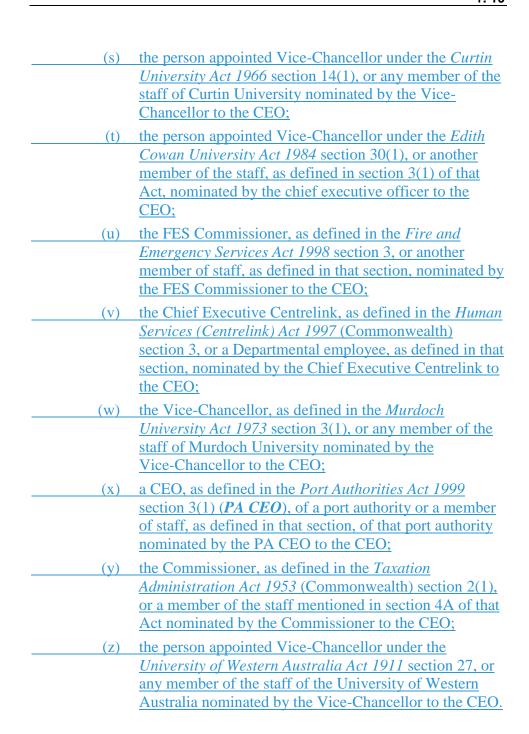
- (2) The notice must be given
 - (a) in writing or in any other manner approved in writing by the CEO; and
 - (b) within the period of 21 days after the day on which the cardholder's residential address changed.

Part 3 — Information management





	local government and nominated by the LG CEO to the CEO;
(1)	a chief executive officer (however designated) of a local
(1)	government or local government council in another State
	or in the Northern Territory, or an employee employed
	by that local government or local government council,
	nominated by the chief executive officer to the CEO;
(m)	a registered liquidator appointed under the <i>Corporations</i>
	Act 2001 (Commonwealth) section 472(1) or a liquidator
	appointed under section 489EC(1) of that Act;
(n)	a registered trustee of the estate of a bankrupt appointed
	under the Bankruptcy Act 1966 (Commonwealth);
(o)	the Chairperson of ASIC, as defined in the Australian
	Securities and Investments Commission Act 2001
	(Commonwealth) section 5(1), or a staff member, as
	defined in that section, nominated by the Chairperson to
	the CEO;
<u>(p)</u>	the Inspector-General, as defined in the Bankruptcy
<u>(p)</u>	the Inspector-General, as defined in the <i>Bankruptcy</i> Act 1966 (Commonwealth) section 5(1), or an APS
<u>(p)</u>	Act 1966 (Commonwealth) section 5(1), or an APS employee whose duties include supporting the
(<u>p</u>)	Act 1966 (Commonwealth) section 5(1), or an APS employee whose duties include supporting the Inspector-General in the performance of the
(p)	Act 1966 (Commonwealth) section 5(1), or an APS employee whose duties include supporting the Inspector-General in the performance of the Inspector-General's functions under that Act, nominated
(<u>p</u>)	Act 1966 (Commonwealth) section 5(1), or an APS employee whose duties include supporting the Inspector-General in the performance of the
(p)	Act 1966 (Commonwealth) section 5(1), or an APS employee whose duties include supporting the Inspector-General in the performance of the Inspector-General's functions under that Act, nominated by the Inspector-General to the CEO; the Registrar, as defined in the Child Support
	Act 1966 (Commonwealth) section 5(1), or an APS employee whose duties include supporting the Inspector-General in the performance of the Inspector-General's functions under that Act, nominated by the Inspector-General to the CEO; the Registrar, as defined in the Child Support (Registration and Collection) Act 1988
	Act 1966 (Commonwealth) section 5(1), or an APS employee whose duties include supporting the Inspector-General in the performance of the Inspector-General's functions under that Act, nominated by the Inspector-General to the CEO; the Registrar, as defined in the Child Support (Registration and Collection) Act 1988 (Commonwealth) section 4(1), or an officer or employee
	Act 1966 (Commonwealth) section 5(1), or an APS employee whose duties include supporting the Inspector-General in the performance of the Inspector-General's functions under that Act, nominated by the Inspector-General to the CEO; the Registrar, as defined in the Child Support (Registration and Collection) Act 1988 (Commonwealth) section 4(1), or an officer or employee of the department of the Commonwealth public service
	Act 1966 (Commonwealth) section 5(1), or an APS employee whose duties include supporting the Inspector-General in the performance of the Inspector-General's functions under that Act, nominated by the Inspector-General to the CEO; the Registrar, as defined in the Child Support (Registration and Collection) Act 1988 (Commonwealth) section 4(1), or an officer or employee of the department of the Commonwealth public service principally assisting the Commonwealth Minister in the
	Act 1966 (Commonwealth) section 5(1), or an APS employee whose duties include supporting the Inspector-General in the performance of the Inspector-General's functions under that Act, nominated by the Inspector-General to the CEO; the Registrar, as defined in the Child Support (Registration and Collection) Act 1988 (Commonwealth) section 4(1), or an officer or employee of the department of the Commonwealth public service principally assisting the Commonwealth Minister in the administration of that Act, nominated by the Registrar to
(q)	Act 1966 (Commonwealth) section 5(1), or an APS employee whose duties include supporting the Inspector-General in the performance of the Inspector-General's functions under that Act, nominated by the Inspector-General to the CEO; the Registrar, as defined in the Child Support (Registration and Collection) Act 1988 (Commonwealth) section 4(1), or an officer or employee of the department of the Commonwealth public service principally assisting the Commonwealth Minister in the administration of that Act, nominated by the Registrar to the CEO;
	Act 1966 (Commonwealth) section 5(1), or an APS employee whose duties include supporting the Inspector-General in the performance of the Inspector-General's functions under that Act, nominated by the Inspector-General to the CEO; the Registrar, as defined in the Child Support (Registration and Collection) Act 1988 (Commonwealth) section 4(1), or an officer or employee of the department of the Commonwealth public service principally assisting the Commonwealth Minister in the administration of that Act, nominated by the Registrar to the CEO; the Electoral Commissioner, as defined in the
(q)	Act 1966 (Commonwealth) section 5(1), or an APS employee whose duties include supporting the Inspector-General in the performance of the Inspector-General's functions under that Act, nominated by the Inspector-General to the CEO; the Registrar, as defined in the Child Support (Registration and Collection) Act 1988 (Commonwealth) section 4(1), or an officer or employee of the department of the Commonwealth public service principally assisting the Commonwealth Minister in the administration of that Act, nominated by the Registrar to the CEO; the Electoral Commissioner, as defined in the Commonwealth Electoral Act 1918 (Commonwealth)
(q)	Act 1966 (Commonwealth) section 5(1), or an APS employee whose duties include supporting the Inspector-General in the performance of the Inspector-General's functions under that Act, nominated by the Inspector-General to the CEO; the Registrar, as defined in the Child Support (Registration and Collection) Act 1988 (Commonwealth) section 4(1), or an officer or employee of the department of the Commonwealth Public service principally assisting the Commonwealth Minister in the administration of that Act, nominated by the Registrar to the CEO; the Electoral Commissioner, as defined in the Commonwealth Electoral Act 1918 (Commonwealth) section 4(1), or a member of the staff mentioned in
(q)	Act 1966 (Commonwealth) section 5(1), or an APS employee whose duties include supporting the Inspector-General in the performance of the Inspector-General's functions under that Act, nominated by the Inspector-General to the CEO; the Registrar, as defined in the Child Support (Registration and Collection) Act 1988 (Commonwealth) section 4(1), or an officer or employee of the department of the Commonwealth public service principally assisting the Commonwealth Minister in the administration of that Act, nominated by the Registrar to the CEO; the Electoral Commissioner, as defined in the Commonwealth Electoral Act 1918 (Commonwealth)



r. 10A

- (3) A person mentioned in subregulation (2)(a) to (z) whose nomination to the CEO is revoked is, when the revocation takes effect, no longer a person prescribed for the purposes of the definition of *prescribed person* in section 14(1).
- (4) A nomination under subregulation (2) must be in writing signed by the person making the nomination.

[Regulation 10 amended: Gazette 26 Jun 2015 p. 2276; 14 Jun 2016 p. 1839; 29 Mar 2019 p. 976-9.]

10A. Authorised purposes for disclosure of information to prescribed persons

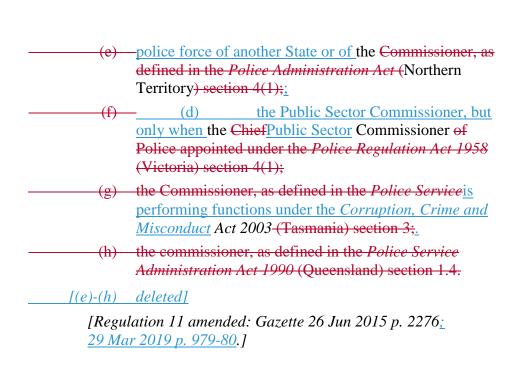
In relation to If the Secretary of the Department of Home Affairs of the Commonwealth is a prescribed person mentioned in under regulation $10(\frac{1}{2})(i)$, for the definition of *authorised purpose* in section 14(1), a purpose is to verify the authenticity of a photo card using the national Document Verification Service.

[Regulation 10A inserted: Gazette 14 Jun 2016 p. 1839] amended: Gazette 29 Mar 2019 p. 979.]

11. Disclosure of photographs

For the purposes of the definition of *law enforcement official* in section 15(1), the following persons and classes of persons are prescribed —

- (a) the Commissioner, as defined in the *Corruption, Crime* and *Misconduct Act 2003* section 3(1);
- (b) the Commissioner, as defined in the *Australian Federal Police Act 1979* (Commonwealth) section 4(1);
- (ba) the Australian Border Force Commissioner appointed under the *Australian Border Force Act 2015* (Commonwealth) section 11(1);
- (c) the Commissioner, as defined in the *Police Act 1990* (New South Wales) section 3(1);
- (d) the Commissioner, as defined in (however designated) of the *Police Act 1998* (South Australia) section 3;



Notes

This is a compilation of the *Western Australian Photo Card Regulations 2014* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
Western Australian Photo Card Regulations 2014	18 Jun 2014 p. 2011-20	1 Jul 2014 (see r. 2 and <i>Gazette</i> 17 Jun 2014 p. 1955)
Western Australian Photo Card Amendment Regulations (No. 2) 2015	12 Jun 2015 p. 2040-1	r. 1 and 2: 12 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b))
Western Australian Photo Card Amendment Regulations 2015	26 Jun 2015 p. 2276	r. 1 and 2: 26 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b)(ii) and Gazette 26 Jun 2015 p. 2235)
Western Australian Photo Card Amendment Regulations 2016	14 Jun 2016 p. 1838-9	r. 1 and 2: 14 Jun 2016 (see r. 2(a)); Regulations other than r. 1, 2 and 4: 15 Jun 2016 (see r. 2(c)); r. 4: 1 Jul 2016 (see r. 2(b))
Transport Regulations Amendment (Fees and Charges) Regulations (No. 2) 2016 Pt. 9	14 Jun 2016 p. 1987-2003	1 Jul 2016 (see r. 2(b))
Reprint 1: The Western Australian Pa (includes amendments listed above)	hoto Card Regul	ations 2014 as at 6 Jan 2017
Transport Regulations Amendment (Fees and Charges) Regulations (No. 2) 2017 Pt. 10	23 Jun 2017 p. 3253-78	1 Jul 2017 (see r. 2(b))
Transport Regulations Amendment (Fees and Charges) Regulations (No. 2) 2018 Pt. 8	22 Jun 2018 p. 2184-93	1 Jul 2018 (see r. 2(b))
<u>Transport Regulations Amendment</u> (Information) Regulations 2019 Pt. 4	29 Mar 2019 p. 972-80	30 Mar 2019 (see r. 2(b))