



Western Australia

Western Australian Photo Card Regulations 2014

Compare between:

[18 Jun 2021, 01-j0-00] and [01 Jul 2021, 01-k0-00]

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 —
 - (a) on the day the replacement photo card is issued the photo card that is being replaced (the *replaced card*) ceases to be current; and
 - (b) the replacement photo card is current until the day that would have been the expiry day of the replaced card had the replaced card not ceased to be current under paragraph (a).
- (5) If an additional photo card is issued to an applicant in 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 <u>50</u>
2.	Application for, and issue of, a replacement photo card in accordance with r. 4	28.50 <u>30.90</u>

r. 7A

Item	Matter	Fee (\$)
3.	Application for, and issue of, an additional photo card in accordance with r. 5	44. 00 <u>50</u>

[Regulation 7 amended: Gazette 12 Jun 2015 p. 2041; 14 Jun 2016 p. 2003; 23 Jun 2017 p. 3278; 22 Jun 2018 p. 2193; 31 May 2019 p. 1728; SL 2020/74 r. ~~13~~13; SL 2021/92 r. 33.]

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.]

7C. No fee payable for replacement photo cards in certain situations

- (1) The fee set out in item 2 of the Table to regulation 7 is not payable if a replacement photo card is issued to replace a photo card that was lost, damaged or destroyed as a direct result of an approved emergency.
- (2) For the purposes of subregulation (1) each of the following is an approved emergency —
 - (a) an emergency situation declared under the *Emergency Management Act 2005* section 50;
 - (b) a state of emergency declared under section 56 of that Act;
 - (c) a hazard (as defined in section 3 of that Act) that occurs within the State and is approved by the CEO for the purposes of this paragraph.

[Regulation 7C inserted: SL 2020/123 r. 6.]

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

10. Disclosure of photo card information to prescribed persons

- (1) In this regulation —
APS employee has the meaning given in the *Public Service Act 1999* (Commonwealth) section 7.
- (2) For the purposes of the definition of *prescribed person* in section 14(1), the following persons are prescribed —
 - (a) the Commissioner of Police;
 - (b) the Commissioner, as defined in the *Corruption, Crime and Misconduct Act 2003* section 3(1), or another officer of the Commission, as defined in that section, nominated by the Commissioner to the CEO;
 - (c) the Commissioner, as defined in the *Australian Federal Police Act 1979* (Commonwealth) section 4(1), or an AFP employee, as defined in that section, nominated by the Commissioner to the CEO;
 - (d) the Australian Border Force Commissioner appointed under the *Australian Border Force Act 2015* (Commonwealth) section 11(1) (*ABF Commissioner*), or an Immigration and Border Protection worker, as defined in section 4(1) of that Act, nominated by the ABF Commissioner to the CEO;
 - (e) the Comptroller-General of Customs referred to in the *Australian Border Force Act 2015* (Commonwealth) section 11(3), or an Immigration and Border Protection worker, as defined in section 4(1) of that Act, nominated by the Comptroller-General to the CEO;
 - (f) the Commissioner (however designated) of the police force of another State or of the Northern Territory, or another officer of that police force nominated by the Commissioner of that police force to the CEO;
 - (g) the Chief of the Defence Force, appointed under the *Defence Act 1903* (Commonwealth) section 12(1) (*Chief*).

- of Defence*), or an officer of the Defence Force, as defined in section 4(1) of that Act, nominated by the Chief of Defence to the CEO;
- (h) the chief executive officer of an agency, as defined in the *Public Sector Management Act 1994* section 3(1), or a person employed in that agency nominated by that chief executive officer to the CEO;
 - (i) an Agency Head, as defined in the *Public Service Act 1999* (Commonwealth) section 7, or an APS employee of the Agency Head's Agency nominated by the Agency Head to the CEO;
 - (j) the chief executive officer, however designated, of a department of another State, the Australian Capital Territory or the Northern Territory, or a person employed in that department nominated by that chief executive officer to the CEO;
 - (k) a CEO, as defined in the *Local Government Act 1995* section 1.4 (**LG CEO**), of a local government or an employee as defined in that section employed by that local government and nominated by the LG CEO to the CEO;
 - (l) a chief executive officer (however designated) of a local 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 *Corporations 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;
- (p) the Inspector-General, as defined in the *Bankruptcy 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;
 - (q) 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;
 - (r) the Electoral Commissioner, as defined in the *Commonwealth Electoral Act 1918* (Commonwealth) section 4(1), or a member of the staff mentioned in section 29 of that Act nominated by the Electoral Commissioner to the CEO;
 - (s) the person appointed Vice-Chancellor under the *Curtin University Act 1966* section 14(1), or any member of the staff of Curtin University nominated by the Vice-Chancellor to the CEO;
 - (t) the person appointed Vice-Chancellor under the *Edith Cowan University Act 1984* section 30(1), or another member of the staff, as defined in section 3(1) of that Act, nominated by the chief executive officer to the CEO;
 - (u) the FES Commissioner, as defined in the *Fire and Emergency Services Act 1998* section 3, or another member of staff, as defined in that section, nominated by the FES Commissioner to the CEO;

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- (v) the Chief Executive Centrelink, as defined in the *Human Services (Centrelink) Act 1997* (Commonwealth) section 3, or a Departmental employee, as defined in that section, nominated by the Chief Executive Centrelink to the CEO;
 - (w) the Vice-Chancellor, as defined in the *Murdoch University Act 1973* section 3(1), or any member of the staff of Murdoch University nominated by the Vice-Chancellor to the CEO;
 - (x) a CEO, as defined in the *Port Authorities Act 1999* section 3(1) (**PA CEO**), of a port authority or a member of staff, as defined in that section, of that port authority nominated by the PA CEO to the CEO;
 - (y) the Commissioner, as defined in the *Taxation Administration Act 1953* (Commonwealth) section 2(1), or a member of the staff mentioned in section 4A of that Act nominated by the Commissioner to the CEO;
 - (z) the person appointed Vice-Chancellor under the *University of Western Australia Act 1911* section 27, or any member of the staff of the University of Western Australia nominated by the Vice-Chancellor to the CEO.
- (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

If the Secretary of the Department of Home Affairs of the Commonwealth is a prescribed person under regulation 10(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 (however designated) of the police force of another State or of the Northern Territory;
- (d) the Public Sector Commissioner, but only when the Public Sector Commissioner is performing functions under the *Corruption, Crime and Misconduct Act 2003*.

[(e)-(h) deleted]

[Regulation 11 amended: Gazette 26 Jun 2015 p. 2276;
29 Mar 2019 p. 979-80.]

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Notes

This is a compilation of the *Western Australian Photo Card Regulations 2014* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table. ~~For provisions that have not yet come into operation see the uncommenced provisions table.~~

Compilation table

Citation	Published	Commencement
<i>Western Australian Photo Card Regulations 2014</i>	18 Jun 2014 p. 2011-20	1 Jul 2014 (see r. 2 and <i>Gazette</i> 17 Jun 2014 p. 1955)
<i>Western Australian Photo Card Amendment Regulations (No. 2) 2015</i>	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))
<i>Western Australian Photo Card Amendment Regulations 2015</i>	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 <i>Gazette</i> 26 Jun 2015 p. 2235)
<i>Western Australian Photo Card Amendment Regulations 2016</i>	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))
<i>Transport Regulations Amendment (Fees and Charges) Regulations (No. 2) 2016 Pt. 9</i>	14 Jun 2016 p. 1987-2003	1 Jul 2016 (see r. 2(b))
Reprint 1: The <i>Western Australian Photo Card Regulations 2014</i> as at 6 Jan 2017 (includes amendments listed above)		
<i>Transport Regulations Amendment (Fees and Charges) Regulations (No. 2) 2017 Pt. 10</i>	23 Jun 2017 p. 3253-78	1 Jul 2017 (see r. 2(b))
<i>Transport Regulations Amendment (Fees and Charges) Regulations (No. 2) 2018 Pt. 8</i>	22 Jun 2018 p. 2184-93	1 Jul 2018 (see r. 2(b))
<i>Transport Regulations Amendment (Information) Regulations 2019 Pt. 4</i>	29 Mar 2019 p. 972-80	30 Mar 2019 (see r. 2(b))
<i>Transport Regulations Amendment (Fees and Charges) Regulations (No. 2) 2019 Pt. 10</i>	31 May 2019 p. 1721-8	1 Jul 2019 (see r. 2(b))

Citation	Published	Commencement
<i>Transport Regulations Amendment (Fees and Charges) Regulations (No. 2) 2020 Pt. 6</i>	SL 2020/74 9 Jun 2020	1 Jul 2020 (see r. 2(b))
<i>Transport Regulations Amendment (Document Replacement) Regulations 2020 Pt. 3</i>	SL 2020/123 28 Jul 2020	29 Jul 2020 (see r. 2(b))

~~Uncommenced provisions table~~

~~To view the text of the uncommenced provisions see *Subsidiary legislation as made on the WA Legislation website*.~~

Citation	Published	Commencement
<i>Transport Regulations Amendment (Fees and Charges) Regulations (No. 2) 2021 Pt. 11</i>	SL 2021/92 18 Jun 2021	1 Jul 2021 (see r. 2(c))