



Western Australia

Western Australian Photo Card Act 2014

Western Australian Photo Card Regulations 2014

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Western Australia

Western Australian Photo Card Regulations 2014

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Western Australia

Reprinted under the
Reprints Act 1984 as
at 6 January 2017

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 —
 - (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 | \$42.50 |
| 2. | Application for, and issue of, a replacement photo card in accordance with r. 4 | \$35.20 |

r. 7A

| Item | Matter | Fee |
|-------------|---|------------|
| 3. | Application for, and issue of, an additional photo card in accordance with r. 5 | \$36.00 |

[Regulation 7 amended in Gazette 12 Jun 2015 p. 2041; 14 Jun 2016 p. 2003.]

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 in 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 in Gazette 14 Jun 2016 p. 1839.]

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

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);
- (c) the Commissioner, as defined in the *Australian Federal Police Act 1979* (Commonwealth) section 4(1);
- (d) the Commissioner, as defined in the *Police Act 1990* (New South Wales) section 3(1);
- (e) the Commissioner, as defined in the *Police Act 1998* (South Australia) section 3;
- (f) the Commissioner, as defined in the *Police Administration Act* (Northern Territory) section 4(1);
- (g) the Chief Commissioner of Police appointed under the *Police Regulation Act 1958* (Victoria) section 4(1);
- (h) the Commissioner, as defined in the *Police Service Act 2003* (Tasmania) section 3;
- (i) the commissioner, as defined in the *Police Service Administration Act 1990* (Queensland) section 1.4;
- (j) the Secretary of the Attorney-General's Department of the Commonwealth.

[Regulation 10 amended in Gazette 26 Jun 2015 p. 2276;
14 Jun 2016 p. 1839.]

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

In relation to a prescribed person mentioned in regulation 10(j), 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 in Gazette 14 Jun 2016 p. 1839.]

11. Disclosure of photographs

For the purposes of the definition of *law enforcement official* in section 15(1), the following 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);
- (c) the Commissioner, as defined in the *Police Act 1990* (New South Wales) section 3(1);
- (d) the Commissioner, as defined in the *Police Act 1998* (South Australia) section 3;
- (e) the Commissioner, as defined in the *Police Administration Act* (Northern Territory) section 4(1);
- (f) the Chief Commissioner of Police appointed under the *Police Regulation Act 1958* (Victoria) section 4(1);
- (g) the Commissioner, as defined in the *Police Service Act 2003* (Tasmania) section 3;
- (h) the commissioner, as defined in the *Police Service Administration Act 1990* (Queensland) section 1.4.

[Regulation 11 amended in Gazette 26 Jun 2015 p. 2276.]

Notes

- ¹ This reprint is a compilation as at 6 January 2017 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 |
|--|-----------------------------|---|
| <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 Western Australian Photo Card Regulations 2014 as at 6 Jan 2017
(includes amendments listed above)

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

| Defined term | Provision(s) |
|--------------------------|---------------------|
| applicant..... | 4(1), 5(1) |
| current photo card | 3 |
| other card | 6(5) |
| replaced card | 6(4) |
| section | 3 |