



Queensland

# **Adult Proof of Age Card Act 2008**

**Act No. 72 of 2008**





Queensland

# Adult Proof of Age Card Act 2008

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## Queensland

### **Adult Proof of Age Card Act 2008**

### **Act No. 72 of 2008**

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**An Act to provide for the issue to an adult of a card that may be used as proof of the age of its holder, and matters relating to the card, and to amend the Liquor Act 1992 and the Tobacco and Other Smoking Products Act 1998 for related purposes**

**[Assented to 11 December 2008]**

## **The Parliament of Queensland enacts—**

# **Part 1 Preliminary**

## **1 Short title**

This Act may be cited as the *Adult Proof of Age 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 adult proof of age cards, this Act provides for the chief executive to establish a person's identity before issuing the person with an adult proof of age card.

## **4 Definitions**

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



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## **Part 2                      Adult proof of age card**

### **Division 1                      Preliminary**

#### **5                      What is an *adult proof of age card***

An *adult proof of age card* is a card issued under this Act—

- (a) on which information may be stored electronically; and
- (b) that—
  - (i) contains a photo of the person to whom it is issued; and
  - (ii) states the person's name and date of birth, indicating that the person is 18 or more; and
  - (iii) contains a unique identifying number; and
  - (iv) states the expiry date for the card.

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

An adult proof of age card is and remains the property of the State.

### **Division 2                      Applying for card**

#### **7                      Eligibility for card**

A person is eligible for the issue of an adult proof of age card (an *eligible person*) if the person—

- (a) ordinarily resides in Queensland; and
- (b) is at least 18 years of age.

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## **8 Application for card**

- (1) An eligible person may apply to the chief executive for the issue of an adult proof of age card.
- (2) The application must be—
  - (a) made in the approved form; and
  - (b) accompanied by—
    - (i) documentary proof of the applicant's identity and eligibility as mentioned in section 7; and
    - (ii) the prescribed fee.

## **9 Application for new card by electronic communication**

- (1) The holder of a valid adult proof of age card may apply by electronic communication for a new adult proof of age card if—
  - (a) the holder's adult proof of age card is about to expire; and
  - (b) there are at least 5 years before the end of the shelf life, or the end of the most recent extension of the shelf life under section 31(4), of the holder's most recent digital photo and digitised signature; and
  - (c) the chief executive has given the holder written notice that the person may apply by electronic communication for a new adult proof of age card.
- (2) The application must be—
  - (a) made in the approved form; and
  - (b) made before the holder's adult proof of age card expires; and
  - (c) accompanied by the prescribed fee.

## **10 Request for further information or documents**

- (1) The chief executive may, by written notice, require an applicant to give to the chief executive any further information

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or documents the chief executive reasonably requires to decide the application.

*Example—*

a document of a stated type, for example, a valid Australian passport, identifying the applicant

- (2) If the applicant does not comply with the request, without reasonable excuse, the chief executive may refuse to consider the application.

## **11 Decision on application**

- (1) Subject to sections 10(2) and 31(2), the chief executive must consider an application made under section 8 or 9 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) Also, the chief executive may only grant an application made under section 9 if—
- (a) satisfied—
    - (i) the applicant is the holder of a valid adult proof of age card; and
    - (ii) there are at least 5 years before the end of the shelf life, or the end of the most recent extension of the shelf life under section 31(4), of the holder's most recent digital photo and digitised signature; and
    - (iii) the person ordinarily resides in Queensland; and
  - (b) the prescribed fee has been paid.

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- (4) 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**

- (1) If the chief executive decides to grant the application, the chief executive must issue an adult proof of age card to the applicant.
- (2) If the application was made under section 9, the chief executive must issue the card to the person by sending it by post to the address stated in the application for the purpose.

## **13 Expiry of card**

Unless it is sooner cancelled under division 3, an adult proof of age card expires 10 years after the day it is issued.

# **Division 3 Cancelling and surrendering card**

## **14 Grounds for cancelling card**

The chief executive may cancel an adult proof of age 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 adult proof of age 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

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- (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 an adult proof of age 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 an adult proof of age card may surrender the card by returning it, and giving written notice of its surrender, to the chief executive.

## **Division 4                      Replacing card**

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

- (1) This section applies if—
  - (a) information stated on an adult proof of age 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 adult proof of age card stating the correct information.

### **18            Holder may apply for replacement card**

- (1) This section applies if—
  - (a) information stated on an adult proof of age card is incorrect; or
  - (b) the holder of a valid adult proof of age card becomes aware, or reasonably suspects, the card has been damaged, lost or stolen.
- (2) The holder of the card may apply to the chief executive for the issue of a replacement card.
- (3) The application must be—
  - (a) made in the approved form; and
  - (b) accompanied by—

- (i) the card, unless it was, or the holder reasonably suspects it was, destroyed, lost or stolen; and
  - (ii) the prescribed fee.
- (4) After receiving the application, the chief executive must issue a replacement adult proof of age card to the holder.
- (5) If the application was made because information stated on the adult proof of age card was incorrect, the replacement 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 adult proof of age 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 written notice of the damage, loss or theft.

Maximum penalty—20 penalty units.

- (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.

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## **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 an adult proof of age 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.

### **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



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document (the *stated person*), if the person knows, or ought reasonably to know, that the document may be used to obtain an adult proof of age 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 an adult proof of age card.

Maximum penalty—40 penalty units.

## **24 Possessing another person's card**

- (1) A person must not possess another person's adult proof of age card unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

- (2) A person must not give the person's adult proof of age 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 adult proof of age card**

- (1) A person must not possess a document that resembles an adult proof of age card and is calculated to deceive someone.

Maximum penalty—40 penalty units.

- (2) A person must not give another person a document that resembles an adult proof of age card and is calculated to deceive someone.

Maximum penalty—40 penalty units.

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- (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                      APA register**

### **26            Chief executive must maintain a register**

- (1) The chief executive must maintain a register (*APA register*) containing the following details for each holder of an adult proof of age 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;
  - (h) a digital photo of the holder;
  - (i) a digitised signature of 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—

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*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 an adult proof of age card.

## **27 Form of APA register**

- (1) The APA 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 APA register may be a part of another register maintained by the chief executive under the *Transport Operations (Road Use Management) Act 1995*.

## **28 Amending APA register**

The chief executive, on his or her own initiative, or on application by the holder of an adult proof of age card, may amend the APA register—

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

## **29 Inquiry into accuracy etc. of details in APA register**

- (1) This section applies if the chief executive reasonably believes information recorded in the APA register about the holder of an adult proof of age 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.

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- (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 release of information in APA register**

- (1) The chief executive may release information kept in the APA register about a person's adult proof of age card to—
  - (a) on receiving an application in the approved form—
    - (i) the person; or
    - (ii) with the person's written consent—another entity;  
or
  - (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 to an entity information kept in the APA register about a person's adult proof of age card if—
  - (a) the person produces the card to the entity as proof of the person's identity; and
  - (b) the entity applies in the approved form for the information; and
  - (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).

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- (4) Information that may be released under subsection (1) or (2) does not include a digital photo and digitised signature.
  - (5) An application mentioned in subsection (1)(a) or (2)(b) may be made by electronic communication.
  - (6) In this section—

*proof of age card*, under a law of the Commonwealth or another State, means a document that—

    - (a) contains a photo of the person to whom it is issued; and
    - (b) states the person's name and date of birth, indicating that the person has attained a particular age.

## **Part 5**

# **Biometric data and other information relating to adult proof of age card holders**

### **31 Obtaining digital photo and digitised signature**

- (1) A person who applies for the issue or replacement of an adult proof of age card must allow the chief executive to take and keep a digital photo and digitised signature of the person.
- (2) If the person does not comply with subsection (1), the chief executive must refuse to consider the application.
- (3) Subsection (1) does not apply to the person if—
  - (a) as allowed under this Act or a prescribed smartcard Act, the chief executive is keeping the person's most recent digital photo and digitised signature; and
  - (b) the chief executive is satisfied the person's most recent digital photo is still a true likeness of the person; and
  - (c) the shelf life of the person's most recent digital photo and digitised signature, or the most recent extension of the shelf life under subsection (4), has not ended and

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will not end before the term of the adult proof of age card ends.

- (4) The chief executive may, for this Act, extend the shelf life of the most recent digital photo and digitised signature of a person.
- (5) The period for which the shelf life may be extended under subsection (4) must not result in the shelf life being extended under the subsection for periods totalling more than 6 months.

*Example—*

If the shelf life has been extended previously under subsection (4) for 2 months, the next extension under the subsection must not be for more than 4 months.

## **32 Using digital photo and digitised signature**

- (1) The chief executive may, with a person's consent, use the person's most recent digital photo and digitised signature for any of the following purposes—
  - (a) to help identify the person for deciding whether or not to grant an application for an adult proof of age card;
  - (b) to reproduce the person's digital photo and digitised signature on an adult proof of age card;
  - (c) to verify the person's identity for security purposes relating to the adult proof of age card.

*Example of security purposes—*

the obtaining or resetting of a PIN for the adult proof of age card

- (2) The chief executive may use a person's most recent digital photo and digitised signature to help in an investigation of, or proceeding for, an offence that—
  - (a) happens—
    - (i) in making the application for which the person's digital photo and digitised signature are taken under section 31(1); or
    - (ii) during the retention period for the digital photo and digitised signature; and

- 
- (b) involves a person obtaining or attempting to obtain any of the following by a false statement, misrepresentation or any other dishonest way—
    - (i) an adult proof of age card or its renewal;
    - (ii) a PIN or other security for an adult proof of age card.

### 33 Restricted access to digital photo

- (1) The chief executive may allow a person to access a digital photo kept by the chief executive under this Act if each of the following applies—
  - (a) the person's facial image is encoded on the digital photo;
  - (b) the person applies to the chief executive, in the approved form, for the access;
  - (c) the person establishes, to the chief executive's reasonable satisfaction, the person's connection to the digital photo by other evidence of his or her identity, or by facial recognition technology.

*Example of other evidence for paragraph (c)—*

a valid Australian passport

- (2) An application mentioned in subsection (1)(b) may be made by electronic communication.
- (3) The chief executive must allow a police officer to access a digital photo kept by the chief executive under this Act if—
  - (a) the access is for exercising a power in relation to this Act; or
  - (b) the access is authorised under the *Police Powers and Responsibilities Act 2000*.
- (4) In this section—

**access**, a digital photo, means obtain a copy of the digital photo, including by electronic communication.

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**34 Deleting digital photo and digitised signature from register**

When the retention period for a digital photo and digitised signature taken under this Act ends, the chief executive must delete the photo and signature from any register kept by the chief executive under this Act.

**35 Storing emergency contact information electronically on an adult proof of age card**

- (1) An applicant for an adult proof of age card, or the holder of a valid adult proof of age card, may apply to the chief executive, in the approved form, to have the person's emergency contact information stored electronically on the card.
- (2) After receiving the application, the chief executive must electronically store the emergency contact information on the card.

**36 Restricted access to information electronically stored on card**

- (1) A person must not access information stored electronically on an adult proof of age card, unless the person is—
  - (a) the holder of the card; or
  - (b) a person who has the holder's consent to access the information; or
  - (c) a police officer who is authorised under the *Police Powers and Responsibilities Act 2000* to access the information; or
  - (d) subject to subsection (2), another person who is authorised under another Act to access the information.

Maximum penalty—20 penalty units.

- (2) A person acting under subsection (1)(d) must not access emergency contact information stored electronically on the adult proof of age card.

Maximum penalty—20 penalty units.



(3) In this section—

*access*, in relation to information stored electronically on an adult proof of age card, means view or take a copy of the information.

### **37 Retention period for digital photo and digitised signature**

(1) Subject to subsections (2) to (5), the retention period for a digital photo and digitised signature is 30 years after the day on which the digital photo and digitised signature are taken under this Act or a prescribed smartcard Act.

(2) Unless subsection (4) or (5) applies, the retention period for a digital photo and digitised signature taken under section 31(1), if the adult proof of age card mentioned in that subsection was not granted or renewed, is—

- (a) 6 months after the day on which the digital photo and digitised signature are taken; or
- (b) the period decided by the chief executive;

whichever is the shorter period.

(3) Unless subsection (4) or (5) applies, the retention period for a digital photo and digitised signature taken under a regulation for verification of a person's identity as mentioned in section 49(4)(b) is 24 hours after the digital photo and digitised signature are taken.

(4) Despite subsections (2) and (3), if—

- (a) an investigation as mentioned in section 32(2) is started before the end of the retention period worked out under subsection (2) or (3) for a digital photo and digitised signature; and
- (b) the chief executive reasonably requires the digital photo and digitised signature to be kept for a longer period for the investigation or a proceeding resulting from the investigation;

the retention period for the digital photo and digitised signature is the longer period mentioned in paragraph (b).

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- (5) Despite subsections (2) to (4), if a prescribed smartcard Act provides for a shorter retention period for the digital photo and digitised signature than the period worked out under those subsections, the retention period for the photo and signature for this Act is the shorter period.

### **38 Annual report about access to digital photos**

- (1) Not later than 4 months after the end of each financial year, the chief executive must prepare and give to the Minister an annual report stating the number of occasions on which access within the meaning of section 33 was allowed under section 33(3) during the financial year to digital photos kept under this Act.
- (2) The Minister must cause a copy of the report to be laid before the Legislative Assembly within 14 days after the Minister receives it.

## **Part 6 Review and appeal**

### **39 Review of original decision**

- (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 an adult proof of age card;
  - (b) a decision to cancel an adult proof of age 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 a Magistrates Court.

#### **40 Appeal against reviewed decision**

- (1) This section applies if the chief executive conducting a review under section 39 confirms or amends an original decision affecting a person or substitutes another decision.
- (2) The person may appeal against the confirmed, amended or substituted decision (the *reviewed decision*) to a Magistrates Court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
  - (a) applies to the appeal; and
  - (b) provides—
    - (i) for the procedure for the appeal and the way it is to be disposed of; and
    - (ii) that the reviewed decision may be stayed by the person by applying to the Magistrates Court that is to hear the appeal.

## **Part 7 Legal proceedings**

#### **41 Application of pt 7**

This part applies to a proceeding under this Act.

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## **42 Evidence from APA 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 APA register, a part of the APA register, or an extract from the APA 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 adult proof of age card;
- (d) on a stated day, a stated person's adult proof of age 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.

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#### **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.

#### **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;
  - (b) subject to subsection (3), prescribe fees payable under this Act and the matters for which fees are payable;
  - (c) provide for the review or appeal of decisions made under the regulation.
- (3) A regulation can not prescribe a fee for the replacement of an adult proof of age 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 the following—

- (a) a PIN to be used by the holder of a valid adult proof of age card as a security measure to protect information stored electronically on the card;
- (b) verification of a person's identity for security purposes relating to an adult proof of age card, including, for example, by requiring the person to allow the chief executive to take a digital photo and digitised signature of the person.

## **Part 9                      Amendment of other Acts**

### **Division 1                      Amendment of Liquor Act 1992**

#### **50              Act amended in div 1**

This division amends the *Liquor Act 1992*.

#### **51              Replacement of s 6 (Acceptable evidence of age)**

Section 6—

*omit, insert—*

#### **'6              Acceptable evidence of age**

'(1) For this Act, acceptable evidence of the age of a person is a document that is—

- (a) a proof of age card issued to the person by—
  - (i) the chief executive of the department in which the *Transport Operations (Road Use Management) Act 1995* is administered; or
  - (ii) an entity of the Commonwealth or another State performing functions similar to the functions of the chief executive under the *Adult Proof of Age Card Act 2008*; or

[s 52]

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- (iii) an entity approved in writing by the chief executive; or
  - (b) an adult proof of age card issued under the *Adult Proof of Age Card Act 2008*.
- ‘(2) For subsection (1)(a)—
- 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.’.

**52 Amendment of s 158 (False representation of age)**

Section 158(3), ‘mentioned in section 6(a)(i)’—

*omit, insert—*

‘, or adult proof of age card, mentioned in section 6(1)’.

**53 Amendment of s 159 (Wrongful dealing with genuine evidence of age)**

Section 159(1)(b), ‘mentioned in section 6(a)(i)’—

*omit, insert—*

‘, or adult proof of age card, mentioned in section 6(1)’.

**Division 2 Amendment of Tobacco and Other Smoking Products Act 1998**

**54 Act amended in div 2**

This division amends the *Tobacco and Other Smoking Products Act 1998*.

**55 Amendment of schedule**

Schedule, definition *proof of age card—*



*omit, insert—*

***‘proof of age card*** means a proof of age card, or adult proof of age card, mentioned in the *Liquor Act 1992*, section 6(1).’

## Schedule Dictionary

### section 4

***adult proof of age card*** see section 5.

***APA register*** see section 26(1).

***applicant*** means an applicant for an adult proof of age card.

***card*** means an adult proof of age card.

***damaged***, in relation to an adult proof of age 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*** means a facial image encoded in a digital form.

***digitised signature*** means a person's signature encoded in a digital image form.

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

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

***emergency contact information***, of a holder of an adult proof of age card, means any or all of the following information—

- (a) the name of a person to be contacted if there is a risk to the holder's life or health;

- 
- (b) the following information about the person mentioned in paragraph (a)—
- (i) the person's phone number;
  - (ii) the person's address.

**holder**, of an adult proof of age card, means the person to whom the card is issued.

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

- (a) the decision;
- (b) the reasons for the decision;
- (c) the review and appeal information for the decision.

**most recent digital photo**, of a person—

- (a) means the most recent digital photo of the person taken and kept by—
  - (i) the chief executive under this Act; or
  - (ii) any chief executive under a prescribed smartcard Act; and
- (b) includes the most recent digital photo taken and kept under the *Transport Operations (Marine Safety) Act 1994* by the general manager appointed under the *Maritime Safety Queensland Act 2002*.

**most recent digitised signature**, of a person—

- (a) means the most recent digitised signature of the person taken and kept by—
  - (i) the chief executive under this Act; or
  - (ii) any chief executive under a prescribed smartcard Act; and
- (b) includes the most recent digitised signature taken and kept under the *Transport Operations (Marine Safety) Act 1994* by the general manager appointed under the *Maritime Safety Queensland Act 2002*.

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

***prescribed smartcard Act*** means—

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

***retention period***, for a digital photo and digitised signature, means the retention period worked out under section 37.

***review and appeal information***, for a decision, means the following information—

- (a) all rights of review or appeal under this Act for the decision;
- (b) the period in which the review or appeal must be started;
- (c) how the rights of review or appeal are to be exercised;
- (d) that a person applying for a review of the decision may also apply for a stay of the decision.

***shelf life***, of a digital photo and digitised signature, means 10 years after the photo and signature are taken.

***take***, in relation to a digital photo or digitised signature, includes obtain.

***valid adult proof of age card*** means an adult proof of age card that has not expired, or been surrendered or cancelled.