



Queensland

Photo Identification Card Regulation 2019

Subordinate Legislation 2019 No. 29

made under the

Photo Identification Card Act 2008

State Penalties Enforcement Act 1999

Transport Operations (Passenger Transport) Act 1994

Transport Operations (Road Use Management) Act 1995

Transport Planning and Coordination Act 1994

Contents

		Page
Part 1	Preliminary	
1	Short title	3
2	Commencement	3
3	Definition	3
Part 2	Photo identification cards	
4	Photo identification cards not received in post	3
5	Changes of name, address or postal address	4
6	Notifiable events under other Acts	5
Part 3	Fees	
7	Fees	6
8	Waiver of particular fees for persons affected by natural disasters	6
9	Waiver of application fees if licence surrendered or cancelled ..	6
Part 4	Repeal	
10	Repeal	7
Part 5	Amendment of State Penalties Enforcement Regulation 2014	
11	Regulation amended	8
12	Amendment of sch 1 (Infringement notice offences and fines for nominated laws)	8

Contents

Part 6	Amendment of Transport Operations (Passenger Transport) Regulation 2018	
13	Regulation amended	8
14	Amendment of s 62 (Notifiable events under other Acts)	8
Part 7	Amendment of Transport Operations (Road Use Management—Dangerous Goods) Regulation 2018	
15	Regulation amended	9
16	Amendment of s 230 (Notifiable events under other Acts)	9
Part 8	Amendment of Transport Operations (Road Use Management—Driver Licensing) Regulation 2010	
17	Regulation amended	9
18	Amendment of s 107 (Applying for order)	9
19	Insertion of new s 162A	10
	162A Reduced fee for grant of particular class C learner licences	10
20	Amendment of sch 1 (Fees)	10
Part 9	Amendment of Transport Planning and Coordination Regulation 2017	
21	Regulation amended	11
22	Amendment of s 9 (Prescribed authorisation Acts—Act, s 28E)	11
23	Amendment of s 10 (Prescribed authorities—Act, s 28E)	11
24	Amendment of s 13 (Transport Acts—Act, sch 1)	12
Schedule 1	Fees	13

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Photo Identification Card Regulation 2019*.

2 Commencement

- (1) This regulation, other than section 18, commences immediately after the commencement of the *Transport and Other Legislation Amendment Act 2017*, part 14, division 1.
- (2) Section 18 commences on 1 April 2019.

3 Definition

In this regulation—

current postal address, for a person, means a postal address—

- (a) given by the person to the department for use by the department whether or not the postal address was given for the purpose of this regulation; and
- (b) for which no written or oral notice from the person, asking the department to discontinue use of the postal address, has been received by the department.

Part 2 Photo identification cards

4 Photo identification cards not received in post

- (1) This section applies if—
 - (a) the chief executive issues a photo identification card; and

- (b) the holder has not, within the time stated by the chief executive when the holder applied for the card, received the card in the post at—
 - (i) if there is a current postal address for the holder—the postal address; or
 - (ii) otherwise—the address stated in the application.
- (2) The holder must promptly notify the chief executive that the holder has not received the photo identification card.
- (3) If the chief executive is satisfied the holder has not received the photo identification card because it has been lost or stolen, the chief executive may issue a new photo identification card to the holder.

Note—

See also section 19 of the Act, which requires a holder to give the chief executive notice if a card has been, or is reasonably suspected of being, lost or stolen.

5 Changes of name, address or postal address

- (1) This section applies if the holder of a photo identification card—
 - (a) changes—
 - (i) the holder's name or address; or
 - (ii) if there is a current postal address for the holder—the postal address; and
 - (b) gives the chief executive notice of the change.
- (2) If the chief executive is satisfied the information given by the holder is correct, the chief executive must—
 - (a) record the change in the photo identification register; and
 - (b) for a change of name—give the holder a replacement photo identification card that records the change of name.

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- (3) No fee is payable for—
- (a) recording the change in the photo identification register; or
 - (b) a replacement photo identification card for a change of name.

6 Notifiable events under other Acts

- (1) This section applies if the holder of a photo identification card—
- (a) has an obligation under the Act to notify the chief executive of a notifiable event; and
 - (b) has an obligation under a prescribed smartcard Act to notify the chief executive, or the general manager under the *Maritime Safety Queensland Act 2002*, of the same notifiable event; and
 - (c) complies with the obligation under the prescribed smartcard Act.
- (2) The obligation under the Act to notify the chief executive of the notifiable event is taken to have been satisfied if any time allowed to make the notification under the Act has not expired.
- (3) In this section—

notifiable event, for the holder of a photo identification card, means any of the following—

- (a) a change of the holder's name;
- (b) a change of the holder's address;
- (c) if there is a current postal address for the holder—a change of the postal address.

prescribed smartcard Act means any of the following Acts—

- (a) the *Tow Truck Act 1973*;
- (b) the *Transport Operations (Marine Safety) Act 1994*;

- (c) the *Transport Operations (Passenger Transport) Act 1994*;
- (d) the *Transport Operations (Road Use Management) Act 1995*.

Part 3 Fees

7 Fees

The fees payable under the Act are stated in schedule 1.

8 Waiver of particular fees for persons affected by natural disasters

- (1) This section applies if—
 - (a) a person applies for a replacement photo identification card because the card was damaged or lost; and
 - (b) the chief executive is satisfied the card was damaged or lost because of a natural disaster.
- (2) The chief executive may waive the fee payable under section 18(3)(b) of the Act for the application.

9 Waiver of application fees if licence surrendered or cancelled

- (1) This section applies if—
 - (a) a person applies for a photo identification card under section 8 of the Act; and
 - (b) before applying, the person had a Queensland driver licence that—
 - (i) was surrendered under the driver licensing regulation, section 123; or

-
- (ii) was cancelled under the driver licensing regulation, section 125 for a ground mentioned in the regulation, section 124(a); and

Note—

The driver licensing regulation, section 124(a) provides a Queensland driver licence may be cancelled on the ground that the licensee has a mental or physical incapacity that is likely to adversely affect the licensee's ability to drive safely.

- (c) the application is the first application for a photo identification card made by the person after the surrender or cancellation of the person's Queensland driver licence.
- (2) The chief executive may waive the fee payable for the application under section 8(2)(b) of the Act.
- (3) In this section—

driver licensing regulation means the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*.

Queensland driver licence see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

Part 4 Repeal

10 Repeal

The Photo Identification Card Regulation 2010, SL No. 101 is repealed.

Part 5 **Amendment of State Penalties Enforcement Regulation 2014**

11 **Regulation amended**

This part amends the *State Penalties Enforcement Regulation 2014*.

12 **Amendment of sch 1 (Infringement notice offences and fines for nominated laws)**

Schedule 1, entry for *Photo Identification Card Regulation 2010*—
omit.

Part 6 **Amendment of Transport Operations (Passenger Transport) Regulation 2018**

13 **Regulation amended**

This part amends the *Transport Operations (Passenger Transport) Regulation 2018*.

14 **Amendment of s 62 (Notifiable events under other Acts)**

Section 62(3), definition *prescribed smartcard Act*, paragraph (a)—

omit, insert—

- (a) the *Photo Identification Card Act 2008*; or

Part 7 **Amendment of Transport Operations (Road Use Management—Dangerous Goods) Regulation 2018**

15 **Regulation amended**

This part amends the *Transport Operations (Road Use Management—Dangerous Goods) Regulation 2018*.

16 **Amendment of s 230 (Notifiable events under other Acts)**

Section 230(3), definition *prescribed smartcard Act*,
paragraph (a)—

omit, insert—

(a) the *Photo Identification Card Act 2008*;

Part 8 **Amendment of Transport Operations (Road Use Management—Driver Licensing) Regulation 2010**

17 **Regulation amended**

This part amends the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*.

18 **Amendment of s 107 (Applying for order)**

(1) Section 107(2)(a)—

omit.

(2) Section 107(2)(b) and (c)—

renumber as section 107(2)(a) and (b).

(3) Section 107(3) and (4), '(2)(c)'—

omit, insert—

(2)(b)

19 Insertion of new s 162A

After section 162—

insert—

162A Reduced fee for grant of particular class C learner licences

- (1) This section applies in relation to an applicant for a class C learner licence if the applicant—
 - (a) is, after the commencement, issued a photo identification card; and
 - (b) has never held an Australian driver licence.
- (2) If the chief executive decides to grant the class C learner licence, the fee payable for the licence is the fee stated in schedule 1, item 4(a).
- (3) In this section—

photo identification card means a photo identification card issued under the *Photo Identification Card Act 2008*.

20 Amendment of sch 1 (Fees)

Schedule 1, item 4—

omit, insert—

- 4 Grant or renewal of a learner licence under section 23—
 - (a) if section 162A applies—

- (i) for grant of a licence for 3 year period or part of 3 year period 131.90
- (ii) additional fee for grant of a licence with licence code I 312.55
- (b) otherwise—
 - (i) for each 3 year period or part of a 3 year period 171.90
 - (ii) additional fee for grant of a licence with licence code I 312.55

Part 9

Amendment of Transport Planning and Coordination Regulation 2017

21 Regulation amended

This part amends the *Transport Planning and Coordination Regulation 2017*.

22 Amendment of s 9 (Prescribed authorisation Acts—Act, s 28E)

Section 9(a)—

omit, insert—

- (a) the *Photo Identification Card Act 2008*;

23 Amendment of s 10 (Prescribed authorities—Act, s 28E)

Section 10(a)—

omit, insert—

- (a) a photo identification card under the *Photo Identification Card Act 2008*;

24 Amendment of s 13 (Transport Acts—Act, sch 1)

Section 13(a)—

omit, insert—

- (a) the *Photo Identification Card Act 2008*;

Schedule 1 Fees

section 7

	\$
1 Application for photo identification card (Act, s 8(2)(b))	69.00
2 Application for replacement photo identification card (Act, s 18(3)(b))	69.00

ENDNOTES

- 1 Made by the Governor in Council on 21 March 2019.
- 2 Notified on the Queensland legislation website on 22 March 2019.
- 3 The administering agency is the Department of Transport and Main Roads.

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