



Adult Proof of Age Card Act 2008

Current as at 14 April 2011

Information about this reprint

This Act is reprinted as at 14 April 2011. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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Queensland

Adult Proof of Age Card Act 2008

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Adult Proof of Age Card Act 2008

[as amended by all amendments that commenced on or before 14 April 2011]

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

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.

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4 Definitions

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

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 proof of age card issued under this Act—

- (a) that indicates that a person is at least 18 years of age; and
- (b) on which information may be stored electronically.

6 Card is property of the State

- (1) An adult proof of age card is and remains the property of the State.
- (2) Subsection (1) applies even though a person other than the State—
 - (a) has the right to use information that is on the card or stored electronically on it; or
 - (b) has the right to have information stored on the card.
- (3) The State is not legally liable for an act or omission relating to the keeping or use of the adult proof of age card.

Division 2 Applying for card

7 Eligibility for card

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

- (a) ordinarily resides in Queensland; and
- (b) is at least 17 years and 11 months of age.

8 Application for card

- (1) An eligible person may apply to the chief executive for 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 31A, 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.

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- (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, request an applicant to give to the chief executive any further information 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(5), 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 31A, 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.
- (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) However, if the applicant is under 18 years of age, the chief executive must not issue an adult proof of age card to the applicant until the applicant is at least 18 years of age.
- (3) 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 on the day stated on the card, being a day that is not longer than 10 years after the day the card 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
 - (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.

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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.

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—

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- (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 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.

23A Proof of giving documents

- (1) This section applies to a proceeding for an offence against section 22(1) or 23(1) or (2).
- (2) It is sufficient proof the document was given to the chief executive or another person to prove it was given to a person authorised to receive it for the chief executive or other person.
- (3) It does not matter whether the person was the chief executive or another person or whether the authorisation was a delegation, agency or any other form of authorisation by which someone acts through another.

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.

- (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—

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.
- (3) The date stated in the notice must be at least 28 days after the notice is given to the holder.

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- (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 written release of information in APA register

- (1) The chief executive may release, in writing, 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, in writing, 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.

30A Restricted oral release of information in APA register

- (1) The chief executive may orally release, to a person, information kept in the APA register about the person's adult proof of age card.
- (2) However, subsection (1) applies only if the chief executive is satisfied that the person is the person to whom the information relates.

Example for subsection (2)—

The chief executive may be satisfied as required under subsection (2) if a person correctly answers a series of questions, or produces a document, for identifying the person.

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 must allow the chief executive to take and keep—
 - (a) a digital photo and digitised signature of the person, if the person applies for the issue or replacement of an adult proof of age card; or
 - (b) a digital photo or digitised signature of the person, if—
 - (i) the person applies for anything else in relation to an adult proof of age card; and

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- (ii) the chief executive has given the person written notice under subsection (3) or (4) in relation to the photo or signature.
- (2) Subsection (1)(a) 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 section 31A, has not ended and will not end before the term of the adult proof of age card ends.
- (3) If the chief executive considers it reasonably necessary to use facial recognition technology to establish a person's connection to the person's most recent digital photo, the chief executive may give the person a written notice requiring the person to allow the chief executive to take and keep a digital photo of the person.
- (4) If the chief executive is satisfied there is sufficient connection between the digital photo taken under subsection (1)(b) and the person's most recent digital photo, the chief executive may give the person a written notice requiring the person to allow the chief executive to take and keep a digitised signature of the person.
- (5) The chief executive must refuse to consider any application by the person relating to an adult proof of age card if—
 - (a) the person does not comply with subsection (1); or
 - (b) the chief executive is not satisfied there is sufficient connection between the digital photo taken under subsection (1)(b) and the person's most recent digital photo.

31A Extending shelf life of digital photo and digitised signature

- (1) The chief executive may, for this Act, extend the shelf life of the most recent digital photo and digitised signature of a person.
- (2) The period for which the shelf life may be extended under subsection (1) 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 (1) 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) for a digital photo taken under section 31(1)(b), to establish the person's connection to the person's most recent digital photo for the purposes of an 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

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- (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 replacement;
 - (ii) a PIN or anything else 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 or a prescribed smartcard 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.

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.

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 any emergency contact information stored electronically on the adult proof of age card.

Maximum penalty—20 penalty units.

Note—

See the *Transport Planning and Coordination Act 1994*, section 36H for the storing of emergency contact information.

- (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.

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

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- (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.

37 Retention period for digital photo and digitised signature

- (1) This section sets out the retention period for a digital photo and digitised signature taken under this Act.
- (2) Unless subsection (3) applies, the retention period for a digital photo and digitised signature taken under section 31(1) is—
 - (a) if an application mentioned in section 31(1)(a) is granted or a digital photo or digitised signature taken under section 31(1)(b) is to be used under section 32(1)(b)—30 years after the relevant day; or
 - (b) if an application mentioned in section 31(1)(a) is not granted—
 - (i) 6 months after the relevant day; or
 - (ii) the period decided by the chief executive;whichever is the shorter period; or
 - (c) if paragraph (a) or (b) does not apply—24 hours after the relevant day.
- (3) Despite subsection (2), if—
 - (a) an investigation as mentioned in section 32(2) is started before the end of the retention period worked out under subsection (2)(b) or (c) of this section 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) of this subsection.

(4) In this section—

relevant day, for a digital photo and digitised signature, means the day on which the digital photo and digitised signature are taken.

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 of decisions

39 Internal review of decisions

- (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.

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- (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 QCAT.

40 External review of decisions

- (1) If a reviewed decision is not the decision sought by the applicant for the review, the chief executive must give the applicant a QCAT information notice for the reviewed decision.
- (2) The applicant may apply, as provided under the QCAT Act, to QCAT for a review of the reviewed decision.

Note—

The QCAT Act, section 22(3) provides that QCAT may stay the operation of the reviewed decision, either on application by a person or on its own initiative.

- (3) In this section—

QCAT information notice means a notice complying with the QCAT Act, section 157(2).

reviewed decision means the chief executive's decision on a review under section 39.

Part 7 Legal proceedings

41 Application of pt 7

This part applies to a proceeding under this Act.

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.

[s 45]

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.

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.

47A Keeping and using information obtained or kept under this Act or particular transport Acts

- (1) The chief executive may, for this Act, keep or use information obtained or kept under a particular transport Act if the information—
 - (a) relates to any matter under this Act; or
 - (b) concerns the administration of this Act.
- (2) The chief executive may, for a particular transport Act, keep or use information obtained or kept under this Act if the information—
 - (a) relates to any matter under the particular transport Act; or
 - (b) concerns the administration of the particular transport Act.
- (3) The general manager under the *Maritime Safety Queensland Act 2002* may, for the *Transport Operations (Marine Safety) Act 1994*, keep or use information obtained or kept under this Act if the information—
 - (a) relates to any matter under the *Transport Operations (Marine Safety) Act 1994*; or

[s 48]

- (b) concerns the administration of the *Transport Operations (Marine Safety) Act 1994*.
- (4) Information that may be kept or used under subsection (1), (2) or (3) does not include a digital photo and digitised signature.
- (5) This section applies despite a provision of this or another Act.
- (6) In this section—
particular transport Act means a following Act—
 - (a) the *Tow Truck Act 1973*;
 - (b) the *Transport Infrastructure Act 1994*;
 - (c) the *Transport Operations (Marine Safety) Act 1994*;
 - (d) the *Transport Operations (Passenger Transport) Act 1994*;
 - (e) the *Transport Operations (Road Use Management) Act 1995*;
 - (f) the *Transport Security (Counter-Terrorism) Act 2008*.

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 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 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.

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.

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) that the person to whom the notice is given may—
 - (i) under section 39—ask for the decision to be reviewed by the chief executive; and
 - (ii) under the *Transport Planning and Coordination Act 1994*, part 5, division 2—apply to QCAT for the decision to be stayed; and
 - (iii) under section 40—ask for the chief executive’s decision on the review (the **reviewed decision**) to be reviewed by QCAT; and
 - (iv) under the QCAT Act—apply for the reviewed decision to be stayed.

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 section 31; 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 section 31; 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*.

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.

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

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.

Endnotes

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 14 April 2011. Future amendments of the Adult Proof of Age Card Act 2008 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	2009 Act No. 24 2010 Act No. 13 2010 Act No. 19	24 July 2010	
1A	2010 Act No. 51	1 December 2010	
1B	2011 Act No. 12	14 April 2011	

5 List of legislation

Adult Proof of Age Card Act 2008 No. 72

date of assent 11 December 2008

ss 1–2 commenced on date of assent

remaining provisions commenced 24 July 2010 (2010 SL No. 182)

amending legislation—

Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009 No. 24 ss 1–2, ch 13 pt 1

date of assent 26 June 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 2009 (2009 SL No. 252)

Transport and Other Legislation Amendment Act 2010 No. 13 ss 1, 2(2)(b), ch 3 pt 1

date of assent 1 April 2010

ss 1–2 commenced on date of assent

remaining provisions commenced on date of assent (see s 2(2)(b))

Transport and Other Legislation Amendment Act (No. 2) 2010 No. 19 ss 1, 2(5)(a), ch 4 pt 1

date of assent 23 May 2010

ss 1–2 commenced on date of assent

remaining provisions commenced 23 July 2010 (2010 SL No. 184)

Liquor and Other Legislation Amendment Act 2010 No. 51 s 1, pt 2

date of assent 1 December 2010

commenced on date of assent

Transport and Other Legislation Amendment Act 2011 No. 12 s 1, pt 2

date of assent 14 April 2011

commenced on date of assent

6 List of annotations

What is an “adult proof of age card”

s 5 sub 2010 No. 13 s 44

Card is property of the State

s 6 amd 2010 No. 13 s 45

Eligibility for card

s 7 amd 2010 No. 51 s 4

Application for card

s 8 amd 2010 No. 51 s 5

Application for new card by electronic communication

s 9 amd 2010 No. 13 s 46

Request for further information or documents

s 10 amd 2010 No. 19 s 183

Decision on application

s 11 amd 2010 No. 13 s 47

Issue of card

s 12 amd 2010 No. 51 s 6

Expiry of card

s 13 amd 2010 No. 13 s 48

Proof of giving documents

s 23A ins 2010 No. 13 s 49

Restricted written release of information in APA register

prov hdg amd 2011 No. 12 s 4(1)

s 30 amd 2010 No. 13 s 50; 2011 No. 12 s 4(2)

Restricted oral release of information in APA register

s 30A ins 2011 No. 12 s 5

Obtaining digital photo and digitised signature

s 31 sub 2010 No. 13 s 51

Extending shelf life of digital photo and digitised signature

s 31A ins 2010 No. 13 s 51

Using digital photo and digitised signature

s 32 amd 2010 No. 13 s 52

Restricted access to digital photo

s 33 amd 2010 No. 13 s 53

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

s 35 om 2010 No. 19 s 184

Restricted access to information electronically stored on card

s 36 amd 2010 No. 19 ss 185, 186

Retention period for digital photo and digitised signature

s 37 sub 2010 No. 13 s 54

PART 6—REVIEW OF DECISIONS

pt hdg amd 2009 No. 24 s 1699

Internal review of decisions

prov hdg sub 2009 No. 24 s 1700(1)

s 39 amd 2009 No. 24 s 1700(2)

External review of decisions

s 40 sub 2009 No. 24 s 1701

Keeping and using information obtained or kept under this Act or particular transport Acts

s 47A ins 2010 No. 13 s 55

Regulation-making power

s 49 amd 2009 No. 24 s 1702; 2010 No. 13 s 56

PART 9—AMENDMENT OF OTHER ACTS

pt hdg om R1 (see RA s 7(1)(k))

Division 1—Amendment of Liquor Act 1992

div 1 (ss 50–53) om R1 (see RA ss 7(1)(k) and 40)

Division 2—Amendment of Tobacco and Other Smoking Products Act 1998**div 2 (ss 54–55)** om R1 (see RA ss 7(1)(k) and 40)**SCHEDULE—DICTIONARY**def “**emergency contact information**” reloc to s 36(3) 2010 No. 19 s 186def “**information notice**” amd 2009 No. 24 s 1703(1)def “**most recent digital photo**” amd 2010 No. 13 s 57(2)def “**most recent digital signature**” amd 2010 No. 13 s 57(2)def “**proof of age card**” ins 2010 No. 13 s 57(1)def “**review and appeal information**” om 2009 No. 24 s 1703(2)

7 List of forms notified or published in the gazette

(The following information about forms is taken from the gazette and is included for information purposes only. Because failure by a department to notify or publish a form in the gazette does not invalidate the form, you should check with the relevant government department for the latest information about forms (see Statutory Instruments Act, section 58(8)).)

Form 4669 Version 1 Aug 2010—Release of Digital Photo Application

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