



New South Wales

# Road Transport (Driver Licensing) Amendment (Photo Card) Regulation 2005

under the

Road Transport (Driver Licensing) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Driver Licensing) Act 1998*.

JOSEPH TRIPODI, M.P.,  
Minister for Roads

## Explanatory note

The object of this Regulation is to amend the *Road Transport (Driver Licensing) Regulation 1999*:

- (a) to provide that the Authority must not issue a driver licence to an applicant who is the holder of a Photo Card unless the applicant surrenders the Photo Card at the time of the issue of the driver licence, and
- (b) to prescribe additional purposes for which a photograph taken for the purposes of the Act may be kept and used by the Authority, and
- (c) to provide that the holder of a driver licence that has been suspended may give custody of the driver licence to the Authority and that the Authority may dispose of any such driver licence as it thinks fit, and
- (d) to provide that the holder of a suspended driver licence who gives custody of his or her driver licence to the Authority is not eligible for a refund of any part of the licence fee.

This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including sections 20, 40 (1) (g) and 19 (the general regulation-making power).

**2005 No 798**

Clause 1      Road Transport (Driver Licensing) Amendment (Photo Card) Regulation  
2005

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**Road Transport (Driver Licensing) Amendment (Photo Card) Regulation 2005**

under the

Road Transport (Driver Licensing) Act 1998

**1 Name of Regulation**

This Regulation is the *Road Transport (Driver Licensing) Amendment (Photo Card) Regulation 2005*.

**2 Commencement**

This Regulation commences on 14 December 2005.

**3 Amendment of Road Transport (Driver Licensing) Regulation 1999**

The *Road Transport (Driver Licensing) Regulation 1999* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 3)

**[1] Clause 19 Issue and variation of driver licence**

Insert “(except as provided by clause 19AA)” after “applicant” in clause 19 (1).

**[2] Clause 19AA**

Insert after clause 19:

**19AA Issue of driver licence to holder of Photo Card**

If an applicant for a driver licence holds a current Photo Card issued under the *Photo Card Act 2005*, the Authority must not issue a driver licence unless the applicant surrenders that Photo Card in accordance with clause 7 of the *Photo Card Regulation 2005*.

**[3] Clause 37 Surrender of driver licence**

Omit clause 37 (3) (c). Insert instead:

- (c) the licence is suspended under section 16, 17 or 33 of the Act, section 204 or 205 of the *Road Transport (General) Act 2005*, Division 4 of Part 3 of the *Fines Act 1996* or clause 38 or 39.

**[4] Clause 37 (7) and (8)**

Insert after clause 37 (6):

- (7) The holder of a driver licence that has been suspended under a provision referred to in subclause (3) (c) may give custody of the licence to the Authority.
- (8) If the holder of a driver licence loses custody of his or her driver licence by reason of having given custody of his or her driver licence to the Authority under subclause (7):
  - (a) the holder of the driver licence is not eligible for a refund under subclause (4) of any part of the licence fee, and
  - (b) the Authority may dispose of the licence as it thinks fit.

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Schedule 1 Amendments

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**[5] Clause 60A**

Insert after clause 60:

**60A Purposes for which photographs may be kept and used**

For the purposes of section 40 (1) (g) of the Act, the Authority may keep or use a photograph for any purpose for which a photograph of a person taken for the purposes of Division 2 of Part 6 of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* may be kept and used by the Authority under that Division.

BY AUTHORITY

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