



New South Wales

# Electronic Transactions Legislation Amendment (Government Transactions) Bill 2017

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The objects of this Bill are as follows:

- (a) to provide for a trial of digital driver licences,
- (b) to facilitate the service of documents by email,
- (c) to allow for the use of approved forms in the place of statutory declarations,
- (d) to provide for the online publication of public notices, announcements and advertisements,
- (e) to postpone the commencement of certain provisions of the *Strata Schemes Management Act 2015*,
- (f) to make other minor or consequential amendments.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

## **Schedule 1 Amendments relating to electronic service of documents**

**Schedule 1** amends various Acts and regulations to allow notices and other documents to be served by sending the notice or other document to an email address specified by the intended recipient or by other means as may be prescribed by the regulations.

## **Schedule 2 Amendments relating to statutory declarations**

**Schedule 2** amends various Acts and regulations to remove provisions requiring information or documents to be provided in the form of a statutory declaration and instead allowing for the information or documents be provided in an approved form. It is currently an offence under Part 5A of the *Crimes Act 1900* to knowingly provide false or misleading information, or provide false or misleading documents, in purported compliance with a law of the State.

## **Schedule 3 Amendments relating to online publication of notices**

**Schedule 3** amends various Acts to provide for the online publication of government notices rather than limiting publication to newspapers or other print media.

## **Schedule 4 Amendments relating to outdated provisions**

**Schedule 4** makes minor amendments to various Acts and a regulation to remove references to outdated concepts in relation to service of documents and copies of documents.

## **Schedule 5 Amendment of Road Transport Act 2013 No 18 relating to digital driver licence trial**

**Schedule 5** amends the *Road Transport Act 2013* to insert proposed Part 3.7 (proposed sections 61A–61G) to provide for a trial of digital driver licences.

Proposed section 61A defines certain terms used in the proposed Part.

Proposed section 61B sets out the object of the proposed Part which is to facilitate a trial for the use and display of digital driver licences.

Proposed section 61C provides that the digital driver licence trial ends 12 months after the day on which the proposed Part commences or on such other day (not being more than 2 years after the commencement of the proposed Part) as may be specified by the Minister, with the concurrence of the Minister for Police and the Minister for Finance, Services and Property.

Proposed section 61D provides that a digital driver licence is not a driver licence and sets out the purposes for which a digital driver licence may be used or displayed.

Proposed section 61E provides that authorisation of a person to participate in the digital driver licence is subject to the terms and conditions imposed by the Secretary of the Department of Finance, Services and Innovation.

Proposed section 61F makes provision for the use and release of information (including photographs) from the NSW driver licence register for the purposes of the digital driver licence trial.

Proposed section 61G allows for the delegation of the Secretary's functions under the proposed Part.

## **Schedule 6      Amendments relating to commencement of Strata Schemes Management Act 2015**

**Schedule 6 [1]** postpones, until 1 January 2018, the commencement of Part 11 of, and clause 15 of Schedule 1 and clause 16 of Schedule 3 to, the *Strata Schemes Management Act 2015*. Those provisions relate to a scheme for the rectification of building defects in new strata schemes.

**Schedule 6 [2]** makes a consequential amendment to the *Strata Schemes Management Regulation 2016*.