



New South Wales

Road Transport and Other Legislation Amendment (Digital Driver Licences and Photo Cards) Bill 2018

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 amend the *Road Transport Act 2013* to provide for the issue and use of digital driver licences,
- (b) to amend the *Photo Card Act 2005* to provide for the issue and use of digital Photo Cards,
- (c) to make other amendments of a minor or consequential nature.

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 a day or days to be appointed by proclamation (except for proposed section 3, which commences on the date of assent to the proposed Act).

Clause 3 amends the *Road Transport Act 2013* to ensure that the existing digital driver licence trial continues until the digital driver licence scheme under the proposed Act commences.

Schedule 1 Amendment of Road Transport Act 2013 No 18

Schedule 1 [5] replaces Part 3.7 of the *Road Transport Act 2013*, which currently provides for a digital driver licence trial. The proposed Part (proposed sections 61A–61E) provides for the following:

- (a) the issue of a digital driver licence to a person who holds a driver licence and who applies for a digital driver licence,
- (b) the use of a digital driver licence for certain purposes as if it were a driver licence (including to satisfy legal requirements to hold, produce or carry a driver licence arising from the driving of a motor vehicle),
- (c) that a driver does not commit an offence relating to the use of a mobile phone if the mobile phone is used solely for the purpose of displaying a digital driver licence,
- (d) the treatment of a digital driver licence as if it were a driver licence,
- (e) the surrender of a digital driver licence where the holder of the digital driver licence is required to surrender or return the holder's driver licence,
- (f) the release of information for the purpose of the issue of a digital driver licence.

Schedule 1 [3] provides that the authority to seize an Australian driver licence does not extend to the seizure of a mobile phone or other electronic device on which a digital driver licence is displayed.

Schedule 1 [1], [2], [4], [6] and [7] make consequential amendments.

Schedule 2 Amendment of Photo Card Act 2005 No 20

Schedule 2 [2] inserts proposed Part 2A (proposed sections 13A–13D) into the *Photo Card Act 2005*. The proposed Part provides for the following:

- (a) the use of a digital Photo Card for certain purposes,
- (b) the surrender of a digital Photo Card where the holder of the digital Photo Card is required to surrender or return the holder's Photo Card.
- (c) the release of information for the purpose of the issue of a digital Photo Card.

Schedule 2 [1] provides that an applicant for a Photo Card may only be issued a digital Photo Card if the applicant has elected to receive a digital Photo Card.

Schedule 2 [4] provides that the authority to seize a Photo Card does not extend to the seizure of a mobile phone or other electronic device on which a digital Photo Card is displayed.

Schedule 2 [3] makes a consequential amendment.

Schedule 3 Amendment of other legislation

Schedule 3 makes consequential amendments to other legislation, including providing that digital driver licences and digital Photo Cards are evidence of age documents for the purposes of the *Liquor Act 2007* and certain other legislation.