



New South Wales

Road Transport Amendment (Digital Licensing) Bill 2020

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Road Transport Act 2013* (the **RT Act**) and the *Licensing and Registration (Uniform Procedures) Act 2002* (the **LR(UP) Act**) as follows—

- (a) to give digital driver licences the same status as physical driver licences,
- (b) to extend the existing scheme to enable arrangements for the use and sharing of photographs of applicants for licences and licence holders by licensing authorities to—
 - (i) other information obtained from the applicants and licence holders, and
 - (ii) other kinds of licences, registrations, permits and authorisations.

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 Amendment of Road Transport Act 2013 No 18

Schedule 1[1] amends the definition of *driver licence* to include a digital driver licence and defines *use* of a digital driver licence to give effect to the object set out in paragraph (a) of the Overview. **Schedule 1[4]** makes a consequential amendment to the definition of *digital driver licence*.

Schedule 1[5] omits the definitions of *relevant purpose* and *Secretary*, which are made redundant by **Schedule 1[1], [6] and [7]**.

Schedule 1[6] provides that a person may use a digital driver licence—

- (a) by displaying it in accordance with section 61C of the RT Act, and
- (b) to satisfy a requirement to hold, produce or display a driver licence.

Schedule 1[7] provides for the use and release of information in the NSW driver licence register for certain purposes related to digital driver licences.

Schedule 1[8] inserts a consequential provision to deal with references in other Acts or laws to holders of driver licences.

Schedule 1[9] allows statutory rules to make provision for or with respect to the use of, and restrictions on the use of, a digital driver licence.

Schedule 1[2] and [3] make amendments to the RT Act consequential to the proposed amendments set out in Schedule 2.

Schedule 2 Amendment of Licensing and Registration (Uniform Procedures) Act 2002 No 28

Schedule 2[1] omits Part 4A from the LR(UP) Act and inserts instead proposed Part 4A (proposed sections 80A–80K) into the Act to give effect to the object set out in paragraph (b) of the Overview.

Proposed section 80A provides that the Part applies to information (including photographs) obtained by a licensing authority in connection with—

- (a) an application for the issue of a licence, or
- (b) a licence issued by the authority.

Proposed section 80B contains definitions for the Part.

Proposed section 80C sets out—

- (a) the *information-access arrangements* that licensing authorities may enter into, and
- (b) the circumstances in which the authorities may provide, share or request information under information-access arrangements.

Proposed section 80D sets out the kinds of matters for which information-access arrangements may provide.

Proposed section 80E authorises licensing authorities to enter into, and exercise certain functions under, information-access arrangements.

Proposed section 80F requires a licensing authority to accept a photograph of an applicant for a licence provided under information-access arrangements unless certain circumstances apply.

Proposed sections 80G–80I remake, with minor changes, former sections 80G–80I, which relate to the security and protection of photographs held by licensing authorities or service providers.

Proposed section 80J sets out the steps a licensing authority must take if an individual makes a request of the authority under section 14 or 15 of the *Privacy and Personal Information Protection Act 1998*.

Proposed section 80K provides that a licensing authority must not enter into information-access arrangements with a private sector service provider unless the authority is satisfied the arrangements comply with certain privacy principles.

Schedule 2[2] inserts the standard regulation-making power into the LR(UP) Act as a consequence of proposed section 80F(2)(c).

Schedule 2[3] repeals Schedule 3A to the LR(UP) Act, which limited the licences and registrations to which Part 4A of that Act applied.