



New South Wales

Electronic Transactions Regulation 2001

under the

Electronic Transactions Act 2000

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Electronic Transactions Act 2000*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The objects of this Regulation are:

- (a) to exclude certain laws from the operation of section 7 (1) of the Act, with the result that section 7 (1) will not validate electronic transactions for the purposes of those laws, and
- (b) to exclude certain requirements that are imposed by the laws of this jurisdiction from the operation of Division 2 of Part 2 of the Act, with the result that Division 2 will not authorise:
 - (i) the giving of information in electronic form, or
 - (ii) the use of electronic signatures, or
 - (iii) the production of documents in electronic form, or
 - (iv) the retention of information in electronic form,for the purposes of a person's compliance with such a requirement, and
- (c) to exclude certain permissions given by the laws of this jurisdiction from the operation of Division 2 of Part 2 of the Act, with the result that Division 2 will not authorise:
 - (i) the giving of information in electronic form, or

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- (ii) the use of electronic signatures, or
 - (iii) the production of documents in electronic form, or
 - (iv) the retention of information in electronic form,
- for the purposes of a person's exercise of such a permission, and
- (d) to exclude certain laws from the operation of Division 2 of Part 2 of the Act, with the result that Division 2 will not authorise:
- (i) the giving of information in electronic form, or
 - (ii) the use of electronic signatures, or
 - (iii) the production of documents in electronic form, or
 - (iv) the retention of information in electronic form,
- for the purposes of those laws.

This Regulation is made under the *Electronic Transactions Act 2000*, including section 15 (the general power to make regulations), and sections 7 and 12.

This Regulation relates to matters arising under legislation that is substantially uniform or complementary with legislation of the Commonwealth or another State or Territory and to matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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1 Name of Regulation

This Regulation is the *Electronic Transactions Regulation 2001*.

2 Commencement

This Regulation commences on 7 December 2001.

3 Definitions

In this Regulation:

judicial body means court or tribunal, and includes any other body or person exercising judicial or quasi-judicial functions.

the Act means the *Electronic Transactions Act 2000*.

4 Certain laws excluded from section 7 (1) of the Act

Section 7 (1) of the Act does not apply to the following laws of this jurisdiction:

Consumer Credit (New South Wales) Code

Consumer Credit (New South Wales) Regulations

Conveyancing Act 1919, section 23C

Election Funding Act 1981, and any regulations under that Act

Freedom of Information Act 1989, and any regulations under that Act

Legal Profession Act 1987, and any regulations under that Act

Local Government Act 1993, Chapter 10, and any regulations under that Act with respect to the matters dealt with in that Chapter

Parliamentary Electorates and Elections Act 1912, and any regulations under that Act

Any other Act or regulation that makes provision for the conduct of polls or elections by the Electoral Commissioner, to the extent only to which it makes such provision.

5 Certain requirements excluded from Division 2 of Part 2 of the Act

Division 2 of Part 2 of the Act does not apply to the following requirements and classes of requirements:

- (a) any requirement under a law of this jurisdiction for a person to lodge or file a document with a judicial body in connection with legal proceedings,
- (b) any requirement under a law of this jurisdiction for a person to sign a document to be lodged or filed with a judicial body in connection with legal proceedings,
- (c) any requirement under a law of this jurisdiction for a person to produce a document:
 - (i) to a judicial body in connection with legal proceedings, or
 - (ii) to a party to legal proceedings in connection with those proceedings,
- (d) any requirement under a law of this jurisdiction for a person to retain a document:
 - (i) that has been lodged or filed with, or produced to, a judicial body in connection with legal proceedings, or
 - (ii) that has been admitted in evidence in any legal proceedings held before a judicial body, or
 - (iii) that has been issued by a judicial body in connection with any legal proceedings,
- (e) any requirement under a law of this jurisdiction for a document to be served personally or by post,
- (f) any requirement under a law of this jurisdiction for a document to be verified, authenticated, attested or witnessed under the signature of a person other than the author of the document.

6 Certain permissions excluded from Division 2 of Part 2 of the Act

Division 2 of Part 2 of the Act does not apply to the following permissions and classes of permissions:

- (a) any permission under a law of this jurisdiction for a person to lodge or file a document with a judicial body in connection with legal proceedings,

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- (b) any permission under a law of this jurisdiction for a person to sign a document to be lodged or filed with a judicial body in connection with legal proceedings,
- (c) any permission under a law of this jurisdiction for a person to produce a document:
 - (i) to a judicial body in connection with legal proceedings, or
 - (ii) to a party to legal proceedings in connection with those proceedings,
- (d) any permission under a law of this jurisdiction for a person to retain a document:
 - (i) that has been lodged or filed with, or produced to, a judicial body in connection with legal proceedings, or
 - (ii) that has been admitted in evidence in any legal proceedings held before a judicial body, or
 - (iii) that has been issued by a judicial body in connection with any legal proceedings,
- (e) any permission under a law of this jurisdiction for a document to be served personally or by post,
- (f) any permission under a law of this jurisdiction for a document to be verified, authenticated, attested or witnessed under the signature of a person other than the author of the document.

7 Certain laws excluded from Division 2 of Part 2 of the Act

Division 2 of Part 2 of the Act does not apply to the following laws of this jurisdiction:

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