

Electronic Transactions Regulation 2017

[2017-439]



New South Wales

Status Information

Currency of version

Historical version for 25 August 2017 to 21 April 2020 (accessed 27 December 2024 at 10:01)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Electronic Transactions Regulation 2017



New South Wales

1 Name of Regulation

This Regulation is the *Electronic Transactions Regulation 2017*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Note—

This Regulation repeals and replaces the *Electronic Transactions Regulation 2012*, which would otherwise be repealed on 1 September 2017 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

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

the Act means the *Electronic Transactions Act 2000*.

Note—

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

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:

- (a) the *Election Funding, Expenditure and Disclosures Act 1981*, and any regulations under that Act,
- (b) the *Government Information (Public Access) Act 2009*, and any regulations under that Act,
- (c) Chapter 10 of the *Local Government Act 1993*, and any regulations under that Act

with respect to the matters dealt with in that Chapter,

- (d) the *Parliamentary Electorates and Elections Act 1912*, and any regulations under that Act,
- (e) the *Poisons and Therapeutic Goods Act 1966*, and any regulations under that Act,
- (f) 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,
- (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:

- (a) the *Election Funding, Expenditure and Disclosures Act 1981*, and any regulations under that Act,
- (b) the *Government Information (Public Access) Act 2009*, and any regulations under that Act,
- (c) Chapter 10 of the *Local Government Act 1993*, and any regulations under that Act with respect to the matters dealt with in that Chapter,
- (d) the *Parliamentary Electorates and Elections Act 1912*, and any regulations under that Act,
- (e) the *Poisons and Therapeutic Goods Act 1966*, and any regulations under that Act,
- (f) 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.

8 Definition of “court” for purposes of Schedule 1 to the Act

- (1) The Workers Compensation Commission is declared to be a court for the purposes of Schedule 1 to the Act.
- (2) The Registrar of the Workers Compensation Commission is declared to be a court for the purposes of Schedule 1 to the Act.
- (3) The Civil and Administrative Tribunal is declared to be a court for the purposes of Schedule 1 to the Act.

9 Repeal and savings

- (1) The *Electronic Transactions Regulation 2012* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Electronic Transactions Regulation 2012*, had effect under that Regulation continues to have effect under this Regulation.