

# Electronic Transactions Regulation 2017

[2017-439]



New South Wales

## Status Information

### Currency of version

Current version for 14 July 2023 to date (accessed 30 November 2023 at 9:54)

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.

### Notes—

- **Does not include amendments by**  
[Medicines, Poisons and Therapeutic Goods Act 2022 No 73](#) (not commenced)
- **Staged repeal status**  
This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2024

### 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](#).

File last modified 28 July 2023

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New South Wales

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This Regulation repeals and replaces the *Electronic Transactions Regulation 2012*, which would otherwise be repealed on 1 September 2017 by section 10 (2) of the *Subordinate Legislation Act 1989*.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

For the purposes of the Act, Schedule 1, the following bodies are declared to be courts—

- (a) Civil and Administrative Tribunal,
- (b) Dust Diseases Tribunal,
- (c) Industrial Relations Commission,
- (d) Personal Injury Commission.

**8A (Repealed)**

**8B (Repealed)**

**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.

**Schedule 1 (Repealed)**