

Electronic Transactions Amendment Regulations 2001 (No. 3) 2001 No. 263

EXPLANATORY STATEMENT

Statutory Rules 2001 No. 263

Issued by the Authority of the Attorney-General

Electronic Transactions Act 1999

Electronic Transactions Amendment Regulations 2001 (No. 3)

Section 16 of the *Electronic Transactions Act 1999* (the Act) provides that the Governor-General may make regulations for the purposes of the Act.

The Act applies to laws of the Commonwealth. Subsection 5(2) of the Act provides that, before 1 July 2001, a law of the Commonwealth meant a law of the Commonwealth specified in the regulations. From 1 July 2001, the Act applies to all Commonwealth laws unless specifically exempted by regulation.

The Act received Royal Assent on 10 December 1999 and commenced by proclamation on 15 March 2000. The *Electronic Transactions Regulations 2000* (the Regulations) also commenced operation on 15 March 2000 to coincide with the Act's commencement and specified the Commonwealth laws to which the Act applied. The Regulations were amended in June 2001 by inserting new regulations and replacing Schedule 1. The effect of those amendments was to exempt the laws listed in Schedule 1 from the operation of the Act. The *Electronic Transactions (Amendment) Regulations 2001* amend the existing Regulations by inserting new laws of the Commonwealth to Schedule 1 of the Regulations to be exempt from the operation of the Act.

The Act creates a regulatory regime for the use of electronic communications in transactions. It does not remove any legal obligations that may be imposed upon a person by other Commonwealth laws. The sole purpose of the Act is to enable people to use electronic communications in the course of satisfying their legal obligations.

Commonwealth Departments have reviewed the laws that they administer and requested exemptions for those laws to which the Act should not apply. The laws of the Commonwealth that are exempted from the operation of the Act are contained in Schedule 1 of the Regulations.

Details of the Amending Regulations are in the attachment.

The Regulations commence upon Gazettal.

NOTES ON PROPOSED REGULATIONS

The details of the proposed Regulations are as follows:

Regulation 1 Cites the Regulations as the *Electronic Transactions Amendment Regulations 2001 (No. 3)*.

Regulation 2 provides that these Regulations commence upon Gazettal.

Regulation 3 provides that Schedule 1 amends the *Electronic Transactions Regulations 2000* (the regulations).

Item 1 of Schedule 1 amends item 83 of the regulations by including subsections 10(2) and 10(3) of the *Mutual Assistance in Business Regulation Act 1992* to column 2.