



Electronic Transactions Regulations 2020

made under the

Electronic Transactions Act 1999

Compilation No. 2

Compilation date:	1 July 2021
Includes amendments up to:	F2021L00581
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Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Electronic Transactions Regulations 2020* that shows the text of the law as amended and in force on 1 July 2021 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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1 Name

This instrument is the *Electronic Transactions Regulations 2020*.

3 Authority

This instrument is made under the *Electronic Transactions Act 1999*.

5 Definitions

In this instrument:

Act means the *Electronic Transactions Act 1999*.

6 Exemptions from the Act

For the purposes of subsection 7A(2) of the Act, Schedule 1 specifies provisions of the Act that do not apply to specified laws of the Commonwealth.

Clause 1

Schedule 1—Laws of the Commonwealth to which certain provisions of the Act do not apply

Note: See section 6.

1 Laws of the Commonwealth to which certain provisions of the Act do not apply

A provision of the Act specified in column 2 of an item in the following table does not apply to the Commonwealth law specified in column 1 of the item.

Item	Column 1 Commonwealth law	Column 2 Provisions of the Act
1	Subordinate legislation made under the <i>A New Tax System (Family Assistance) Act 1999</i>	Sections 9, 10 and 11
2	<i>A New Tax System (Family Assistance) Act 1999</i> , Division 2 of Part 2	Sections 9, 10 and 11
3	<i>A New Tax System (Family Assistance) (Administration) Act 1999</i> , Part 3, Division 2 of Part 5, Division 1 of Part 6, Part 8, Division 1 of Part 8A and Part 8B	Sections 9, 10 and 11
4	Subordinate legislation made under the <i>A New Tax System (Family Assistance) (Administration) Act 1999</i>	Sections 9, 10 and 11
5	<i>Aged Care Act 1997</i> , sections 13-1, 15-3, 15-5, 15-7, 16-2, 17-2, 22-3, 32-3, 35-2, 43-4, 43-5, 43-6, 44-23, 44-24, 44-31, 47-4, 48-11, 71-1, 73-5, 81-2, 82-2 and 85-5	Sections 9, 10 and 11
6	<i>Aged Care Act 1997</i> , sections 22-5, 33-4 and 71-3	Section 11
7	<i>Australian Crime Commission Act 2002</i> , subsections 21A(1), 28(1) and 28(4)	Section 11
8	<i>Australian Passports Act 2005</i>	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
9	<i>Australian Passports Determination 2015</i>	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
10	<i>Australian Securities and Investments Commission Act 2001</i>	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
11	Subordinate legislation made under the <i>Australian Securities and Investments Commission Act 2001</i>	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
12	The following provisions of the <i>Banking Act 1959</i> : (a) subsections 13(1), 13B(1), 14A(2), 16AK(1) and 16B(1); (b) section 61A; (c) subsection 62(1);	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15

Item	Column 1 Commonwealth law	Column 2 Provisions of the Act
	(d) section 62E	
13	<i>Bills of Exchange Act 1909</i>	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
14	<i>Chemical Weapons (Prohibition) Act 1994</i>	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
15	<i>Chemical Weapons (Prohibition) Regulations 1997</i>	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
16	<i>Cheques Act 1986</i>	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
17	Subordinate legislation made under the <i>Cheques Act 1986</i>	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
18	<i>Child Support (Assessment) Act 1989</i> , Part 6A	Sections 9, 10 and 11
19	The following provisions of the <i>Commonwealth Electoral Act 1918</i> : (a) section 115; (b) Part XV (other than sections 184 and 184A); (c) Part XVA; (d) Part XVI (other than subsections 202A(1), (2), (4) and (5))	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
20	<i>Commonwealth Inscribed Stock Act 1911</i>	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
21	Subordinate legislation made under the <i>Commonwealth Inscribed Stock Act 1911</i>	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
22	<i>Competition and Consumer Act 2010</i> , sections 44ZH, 95ZK, 95S, 133D, 155 and 155A	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
23	<i>Corporations Act 2001</i>	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
24	Subordinate legislation made under the <i>Corporations Act 2001</i>	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
25	<i>Customs Act 1901</i> , sections 42, 71DA, 114A, 117, 162 and 162A	Sections 9, 10 and 11
26	The following provisions of the <i>Customs Act 1901</i> : (a) section 64AE; (b) paragraph 124(1)(a);	Section 11

Schedule 1 Laws of the Commonwealth to which certain provisions of the Act do not apply

Clause 1

Item	Column 1 Commonwealth law	Column 2 Provisions of the Act
	(c) subsection 214B(4)	
27	<i>Customs (Prohibited Imports) Regulations 1956</i> , regulation 4MA	Section 11
28	<i>Customs Regulation 2015</i> , section 27	Sections 9 and 10
29	<i>Customs Regulation 2015</i> , section 94	Sections 10 and 11
30	<i>Customs Regulation 2015</i> , section 99	Sections 9, 10 and 11
31	<i>Evidence Act 1995</i> , sections 161 and 162	Sections 14, 14A and 14B
32	<i>Extradition Act 1988</i> , subsections 26(1) and 38(1)	Sections 9 and 10
33	<i>Extradition Act 1988</i> , subsection 43(2)	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
34	<i>Extradition Regulations 1988</i> , subregulation 4(1)	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
35	<i>Farm Household Support Act 2014</i>	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
36	<i>Health Insurance Act 1973</i> , sections 89B, 105A and 106B	Section 11
37	The following provisions of the <i>Insurance Act 1973</i> : (a) section 49; (b) subsection 55(1); (c) paragraphs 62C(1)(a) and 62C(2)(a); (d) subsections 62ZD(1), 62ZOD(2), 62ZT(1), 62ZZP(1) and 77(1); (e) paragraph 81(2)(a); (f) sections 92H, 115 and 115AA	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
38	<i>International Criminal Court Act 2002</i> , subsection 65(3) and section 66	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
39	<i>International War Crimes Tribunals Act 1995</i> , subsection 18(2)	Sections 9 and 10
40	<i>International War Crimes Tribunals Act 1995</i> , subsections 27(2), 28(2) and 28(3)	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
41	<i>International War Crimes Tribunals Regulations 1995</i> , subregulation 6(1)	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
42	The following provisions of the <i>Life Insurance Act 1995</i> : (a) sections 88B, 98B, 131, 132, 141 and 170; (b) subsection 179AD(2); (c) section 185	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
43	<i>Maritime Powers Act 2013</i> , section 57	Section 11

Item	Column 1 Commonwealth law	Column 2 Provisions of the Act
44	<i>Migration Act 1958</i> , subsections 379A(5), 441A(5) and 494B(5)	Sections 14, 14A and 14B
45	<i>Migration Regulations 1994</i> , paragraphs 2.55(3)(d), 2.55(3A)(d) and 2.55(3A)(f)	Sections 14, 14A and 14B
46	<i>Military Rehabilitation and Compensation Act 2004</i> , sections 319, 323, 330, 405 and 406	Sections 9, 10 and 11
47	<i>Motor Vehicle Standards Act 1989</i>	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
48	<i>Motor Vehicle Standards Regulations 1989</i>	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
49	<i>Mutual Assistance in Business Regulation Act 1992</i> , subsections 10(2) and 10(3) and section 17	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
50	<i>Mutual Assistance in Criminal Matters Act 1987</i> , subsection 13(2)	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
51	<i>Mutual Assistance in Criminal Matters Regulations</i> , subregulation 3(1)	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
52	The following provisions of Schedule 1 to the <i>National Consumer Credit Protection Act 2009</i> : (a) section 88; (b) paragraph 99(1)(b); (c) subsection 102(1); (d) paragraphs 130(5)(a) and 130(6)(a); (e) subsection 178(1); (f) a provision that provides that duty is charged on a transaction only if the transaction is effected or evidenced by an instrument or document in hard copy form; (g) a provision that provides that duty is charged on an instrument only if the instrument is in hard copy form	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
53	The following provisions of the <i>National Consumer Credit Protection Regulations 2010</i> : (a) paragraphs 87(a) and 87(c); (b) a provision that provides that duty is charged on a transaction only if the transaction is effected or evidenced by an instrument or document in hard copy form; (c) a provision that provides that duty is charged on an instrument only if the instrument is in hard copy form	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
54	<i>Navigation Act 2012</i> , subsection 39(1) and sections 40 and 317	Section 11
55	<i>Navigation Act 2012</i> , section 309 and	Sections 9, 10 and 11

Schedule 1 Laws of the Commonwealth to which certain provisions of the Act do not apply

Clause 1

Item	Column 1 Commonwealth law	Column 2 Provisions of the Act
	subparagraph 312(1)(b)(i)	
56	<i>Navigation Act 2012</i> , section 311	Section 12
57	<i>Nuclear Non-Proliferation (Safeguards) Act 1987</i>	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
58	<i>Nuclear Non-Proliferation (Safeguards) Regulations 1987</i>	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
59	<i>Paid Parental Leave Act 2010</i> , Parts 2-4, 3-5, 3A-4, 4-1, 5-2, 5-3 and 6-2	Sections 9, 10 and 11
60	Subordinate legislation made under the <i>Paid Parental Leave Act 2010</i>	Sections 9, 10 and 11
61	<i>Papua New Guinea (Members of the Forces Benefits) Act 1957</i>	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
62	<i>Papua New Guinea (Members of the Forces Benefits) Regulations 2016</i>	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
63	<i>Private Health Insurance (Prudential Supervision) Act 2015</i> , sections 13, 36, 73, 112, 128, 129 and 132	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
64	<i>Protection of the Sea (1992 Fund) Regulations 1994</i> , subregulation 24(1)	Section 11
65	<i>Protection of the Sea (Civil Liability) Act 1981</i> , subsections 15(4), 17(5) and 19C(2)	Section 11
66	<i>Protection of the Sea (Civil Liability) Act 1981</i> , subsections 15(1), 15(2), 15(3) and 19C(1)	Section 12
67	<i>Protection of the Sea (Harmful Anti-fouling Systems) Act 2006</i> , subsection 16(4) and paragraphs 17(2)(g), 17(2)(h) and 17(2)(i)	Section 11
68	<i>Protection of the Sea (Harmful Anti-fouling Systems) Act 2006</i> , subsections 13(1), 13(2), 15(1) and 15(2)	Section 12
69	<i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</i> , subsection 11A(3)	Sections 9 and 12
70	The following provisions of the <i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</i> : (a) subsections 12(2) and 14(3); (b) paragraph 21A(1)(b); (c) subsections 23(2) and 25(3)	Section 12
71	<i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</i> , subsections 12(3), 12(7) and 23(8)	Section 10
72	<i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</i> , subsection 12(6)	Sections 9 and 10

Item	Column 1 Commonwealth law	Column 2 Provisions of the Act
73	<i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</i> , subsections 14(1) and 25(1)	Sections 11 and 12
74	<i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</i> , subsections 14(6) and 25(6) and paragraph 27(1)(k)	Section 11
75	<i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</i> , section 26G	Sections 9 and 11
76	<i>Protection of the Sea (Supplementary Fund) Regulations 2009</i> , subregulation 27(1)	Section 11
77	<i>Public Service Act 1999</i> , section 22	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
78	<i>Referendum (Machinery Provisions) Act 1984</i> , Parts III (other than subsections 16A(1), (2), (4) and (5)), IV and IVA	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
79	<i>Registration of Deaths Abroad Act 1984</i>	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
80	<i>Registration of Deaths Abroad Regulations 1985</i>	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
81	<i>Retirement Savings Accounts Act 1997</i> , sections 92, 93 and 100	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
82	<i>Shipping Registration Act 1981</i>	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
83	<i>Shipping Registration Regulations 2019</i>	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
84	Subordinate legislation made under the <i>Social Security Act 1991</i>	Sections 9, 10 and 11
85	<i>Social Security (Administration) Act 1999</i> , Divisions 1 and 6 of Part 3 and Division 1 of Part 5	Sections 9, 10 and 11
86	Subordinate legislation made under the <i>Social Security (Administration) Act 1999</i>	Sections 9, 10 and 11
87	Subordinate legislation made under the <i>Social Security (International Agreements) Act 1999</i>	Sections 9, 10 and 11
88	<i>Statutory Declarations Act 1959</i>	Section 10
89	<i>Superannuation Industry (Supervision) Act 1993</i> , other than the following provisions: (a) subsection 20B(1A); (b) paragraph 20B(3A)(b); (c) subsection 29E(6B);	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15

Schedule 1 Laws of the Commonwealth to which certain provisions of the Act do not apply

Clause 1

Item	Column 1 Commonwealth law	Column 2 Provisions of the Act
	(d) subparagraph 29SAA(1)(a)(i); (e) subsection 29SAA(3); (f) sections 29WA, 29WB and 35B; (g) subsections 68AAA(2), 68AAB(2) and 68AAC(2); (h) subsection 99FA(1)	
90	Subordinate legislation made under the <i>Superannuation Industry (Supervision) Act 1993</i> , other than the following provisions: (b) prudential standards made under section 34C of that Act; (c) regulations 9.46 and 9.46A of the <i>Superannuation Industry (Supervision) Regulations 1994</i>	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
91	<i>Torres Strait Regional Authority (Election of Officeholders) Regulations 2019</i> , sections 7 and 14	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
92	<i>Veterans' Entitlements Act 1986</i> , sections 5T, 30M and 79X	Sections 9, 10 and 11
93	Subordinate legislation made under the <i>Veterans' Entitlements Act 1986</i>	Sections 9, 10 and 11

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Electronic Transactions Regulations 2020	29 July 2020 (F2020L00956)	30 July 2020 (s 2(1) item 1)	
Electoral Legislation Amendment (Miscellaneous Measures) Regulations 2021	19 Apr 2021 (F2021L00461)	Sch 1 (items 25–27): 20 Apr 2021 (s 2(1) item 1)	—
Financial Sector Reform (Hayne Royal Commission Response—Advice Fees) Regulations 2021	14 May 2021 (F2021L00581)	Sch 2: 1 July 2021 (s 2(1) item 3)	—

Endnote 4—Amendment history

Provision affected	How affected
s 2	rep LA s 48D
s 4	rep LA s 48C
Schedule 1	
c 1	am F2021L00461; F2021L00581
Schedule 2	rep LA s 48C
