



Electronic Transactions Regulations 2020

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 23 July 2020

David Hurley
Governor-General

By His Excellency's Command

Christian Porter
Attorney-General

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1 Name

This instrument is the *Electronic Transactions Regulations 2020*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	30 July 2020

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

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

4 Schedule 2

Each instrument that is specified in Schedule 2 to this instrument is amended or repealed as set out in the applicable items in that Schedule, and any other item in that Schedule has effect according to its terms.

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); (d) section 62E	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
13	<i>Bills of Exchange Act 1909</i>	Subsection 8(1), Division 2 of

Item	Column 1 Commonwealth law	Column 2 Provisions of the Act
		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)); (e) Part XVII	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); (c) subsection 214B(4)	Section 11
27	<i>Customs (Prohibited Imports) Regulations 1956</i> , regulation 4MA	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
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
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 9, 10 and 11

Item	Column 1 Commonwealth law	Column 2 Provisions of the Act
	sections 319, 323, 330, 405 and 406	
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 subparagraph 312(1)(b)(i)	Sections 9, 10 and 11
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,

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
		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
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,

Item	Column 1 Commonwealth law	Column 2 Provisions of the Act
		14B and 15
78	<i>Referendum (Machinery Provisions) Act 1984</i> , Parts III (other than subsections 16A(1), (2), (4) and (5)), IV, IVA and V	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); (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) subparagraph 387(1)(a)(i)	Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15
90	Subordinate legislation made under the <i>Superannuation Industry (Supervision) Act 1993</i> , other than the following provisions: (a) regulations made under section 390 of that Act; (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

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
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

Schedule 2—Repeals

Electronic Transactions Regulations 2000

1 The whole of the instrument

Repeal the instrument.