

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Note: This table relates only to the provisions of this instrument as originally made.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 Each instrument that is specified in Schedule 2 to this instrument is amended or repealed as set out in the applicable items in that Schedule, and any other item in that Schedule has effect according to its terms.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.

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 1Commonwealth law | Column 2Provisions of the Act |
| --- | --- | --- |
| 1 | Subordinate legislation made under the *A New Tax System (Family Assistance) Act 1999* | Sections 9, 10 and 11 |
| 2 | *A New Tax System (Family Assistance) Act 1999*, Division 2 of Part 2 | Sections 9, 10 and 11 |
| 3 | *A New Tax System (Family Assistance) (Administration) Act 1999*, 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 *A New Tax System (Family Assistance) (Administration) Act 1999* | Sections 9, 10 and 11 |
| 5 | *Aged Care Act 1997*, 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 | *Aged Care Act 1997*, sections 22‑5, 33‑4 and 71‑3 | Section 11 |
| 7 | *Australian Crime Commission Act 2002*, subsections 21A(1), 28(1) and 28(4) | Section 11 |
| 8 | *Australian Passports Act 2005* | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 9 | *Australian Passports Determination 2015* | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 10 | *Australian Securities and Investments Commission Act 2001* | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 11 | Subordinate legislation made under the *Australian Securities and Investments Commission Act 2001* | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 12 | The following provisions of the *Banking Act 1959*:(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 | *Bills of Exchange Act 1909* | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 14 | *Chemical Weapon**s (Prohibition) Act 1994* | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 15 | *Chemical Weapons (Prohibition) Regulations 1997* | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 16 | *Cheque**s Act 1986* | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 17 | Subordinate legislation made under the *Cheques Act 1986* | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 18 | *Child* *Support (Assessment) Act 1989*, Part 6A | Sections 9, 10 and 11 |
| 19 | The following provisions of the *Commonwealth Electoral Act 1918*:(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 | *Commonwealth Inscribed Stock Act 1911* | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 21 | Subordinate legislation made under the *Commonwealth Inscribed Stock Act 1911* | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 22 | *Competition and Consumer Act 2010*, sections 44ZH, 95ZK, 95S, 133D, 155 and 155A | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 23 | *Corporations Act 2001* | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 24 | Subordinate legislation made under the *Corporations Act 2001* | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 25 | *Customs Act 1901*, sections 42, 71DA, 114A, 117, 162 and 162A | Sections 9, 10 and 11 |
| 26 | The following provisions of the *Customs Act 1901*:(a) section 64AE;(b) paragraph 124(1)(a);(c) subsection 214B(4) | Section 11 |
| 27 | *Customs (Prohibited Imports) Regulations 1956*, regulation 4MA | Section 11 |
| 28 | *Customs Regulation 2015*, section 27 | Sections 9 and 10 |
| 29 | *Customs Regulation 2015*, section 94 | Sections 10 and 11 |
| 30 | *Customs Regulation 2015*, section 99 | Sections 9, 10 and 11 |
| 31 | *Evidence Act 1995*, sections 161 and 162 | Sections 14, 14A and 14B |
| 32 | *Extradition Act 1988*, subsections 26(1) and 38(1) | Sections 9 and 10 |
| 33 | *Extradition Act 1988*, subsection 43(2) | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 34 | *Extradition Regulations 1988*, subregulation 4(1) | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 35 | *Farm Household Support Act 2014* | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 36 | *Health Insurance Act 1973*, sections 89B, 105A and 106B | Section 11 |
| 37 | The following provisions of the *Insurance Act 1973*:(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 | *International Criminal Court Act 2002*, subsection 65(3) and section 66 | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 39 | *International War Crimes Tribunals Act 1995*, subsection 18(2) | Sections 9 and 10 |
| 40 | *International War Crimes Tribunals Act 1995*, subsections 27(2), 28(2) and 28(3) | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 41 | *International War Crimes Tribunals Regulations 1995*, subregulation 6(1) | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 42 | The following provisions of the *Life Insurance Act 1995*:(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 | *Maritime Powers Act 2013*, section 57 | Section 11 |
| 44 | *Migration Act 1958*, subsections 379A(5), 441A(5) and 494B(5) | Sections 14, 14A and 14B |
| 45 | *Migration Regulations 1994*, paragraphs 2.55(3)(d), 2.55(3A)(d) and 2.55(3A)(f) | Sections 14, 14A and 14B |
| 46 | *Military Rehabilitation and Compensation Act 2004*, sections 319, 323, 330, 405 and 406 | Sections 9, 10 and 11 |
| 47 | *Motor Vehicle Standards Act 1989* | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 48 | *Motor Vehicle Standards Regulations 1989* | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 49 | *Mutual Assistance in Business Regulation Act 1992*, 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 | *Mutual Assistance in Criminal Matters Act 1987*, subsection 13(2) | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 51 | *Mutual Assistance in Criminal Matters Regulations*, 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 *National Consumer Credit Protection Act 2009*:(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 *National Consumer Credit Protection Regulations 2010*:(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 | *Navigation Act 2012*, subsection 39(1) and sections 40 and 317 | Section 11 |
| 55 | *Navigation Act 2012*, section 309 and subparagraph 312(1)(b)(i) | Sections 9, 10 and 11 |
| 56 | *Navigation Act 2012*, section 311 | Section 12 |
| 57 | *Nuclear Non‑Proliferation (Safeguards) Act 1987* | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 58 | *Nuclear Non‑Proliferation (Safeguards) Regulations 1987* | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 59 | *Paid Parental Leave Act 2010*, 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 *Paid Parental Leave Act 2010* | Sections 9, 10 and 11 |
| 61 | *Papua New Guinea (Members of the Forces Benefits) Act 1957* | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 62 | *Papua New Guinea (Members of the Forces Benefits) Regulations 2016* | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 63 | *Private Health Insurance (Prudential Supervision) Act 2015*, 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 | *Protection of the Sea (1992 Fund) Regulations 1994*, subregulation 24(1) | Section 11 |
| 65 | *Protection of the Sea (Civil Liability) Act 1981*, subsections 15(4), 17(5) and 19C(2) | Section 11 |
| 66 | *Protection of the Sea (Civil Liability) Act 1981*, subsections 15(1), 15(2), 15(3) and 19C(1) | Section 12 |
| 67 | *Protection of the Sea (Harmful Anti‑fouling Systems) Act 2006*, subsection 16(4) and paragraphs 17(2)(g), 17(2)(h) and 17(2)(i) | Section 11 |
| 68 | *Protection of the Sea (Harmful Anti‑fouling Systems) Act 2006*, subsections 13(1), 13(2), 15(1) and 15(2) | Section 12 |
| 69 | *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*, subsection 11A(3) | Sections 9 and 12 |
| 70 | The following provisions of the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*:(a) subsections 12(2) and 14(3);(b) paragraph 21A(1)(b);(c) subsections 23(2) and 25(3) | Section 12 |
| 71 | *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*, subsections 12(3), 12(7) and 23(8) | Section 10 |
| 72 | *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*, subsection 12(6) | Sections 9 and 10 |
| 73 | *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*, subsections 14(1) and 25(1) | Sections 11 and 12 |
| 74 | *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*, subsections 14(6) and 25(6) and paragraph 27(1)(k) | Section 11 |
| 75 | *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*, section 26G | Sections 9 and 11 |
| 76 | *Protection of the Sea (Supplementary Fund) Regulations 2009*, subregulation 27(1) | Section 11 |
| 77 | *Public Service Act* *1999*, section 22 | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 78 | *Referendum (Machinery Provisions) Act 1984*, 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 | *Registration of Deaths Abroad Act 1984* | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 80 | *Registration of Deaths Abroad Regulations 1985* | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 81 | *Retirement Savings Accounts Act 1997*, sections 92, 93 and 100 | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 82 | *Shipping Registration Act 1981* | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 83 | *Shipping Registration Regulations 2019* | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 84 | Subordinate legislation made under the *Social Security Act 1991* | Sections 9, 10 and 11 |
| 85 | *Social Security (Administration) Act 1999*, Divisions 1 and 6 of Part 3 and Division 1 of Part 5 | Sections 9, 10 and 11 |
| 86 | Subordinate legislation made under the *Social Security (Administration) Act 1999* | Sections 9, 10 and 11 |
| 87 | Subordinate legislation made under the *Social Security (International Agreements) Act 1999* | Sections 9, 10 and 11 |
| 88 | *Statutory Declarations Act 1959* | Section 10 |
| 89 | *Superannuation Industry (Supervision) Act 1993*, 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 *Superannuation Industry (Supervision) Act 1993*, 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 *Superannuation Industry (Supervision) Regulations 1994* | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 91 | *Torres Strait Regional Authority (Election of Officeholders) Regulations 2019*, sections 7 and 14 | Subsection 8(1), Division 2 of Part 2 and sections 14, 14A, 14B and 15 |
| 92 | *Veterans’ Entitlements Act 1986*, sections 5T, 30M and 79X | Sections 9, 10 and 11 |
| 93 | Subordinate legislation made under the *Veterans’ Entitlements Act 1986* | Sections 9, 10 and 11 |

Schedule 2—Repeals

Electronic Transactions Regulations 2000

1 The whole of the instrument

Repeal the instrument.