

## **Electronic Transactions Amendment Regulations 2001 (No. 2) 2001 No. 137**

### **EXPLANATORY STATEMENT**

#### **Statutory Rules 2001 No. 137**

Issued by the Authority of the Attorney-General

*Electronic Transactions Act 1999*

Electronic Transactions Amendment Regulations 2001 (No. 2)

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 2000 and May 2001 so that the Act applied to 301 laws of the Commonwealth prior to 1 July 2001. The Electronic Transactions Amendment Regulations 2001 amend the principal Regulations by inserting new regulations and replacing Schedule 1. The effect of these amendments is to exempt the laws listed in Schedule 1 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 on 1 July 2001.

## 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. 2)*.

**Regulation 2** provides that these Regulations commence on 1 July 2001.

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

**Item 1 of Schedule 1** amends Regulation 4 and inserts regulations 5, 6 and 7.

Regulation 4 means that those laws of the Commonwealth which have listed subsection 8(1) in column 3 of Schedule 1 are not subject to the operation of subsection 8(1) of the Act.

Regulation 5 means that those laws of the Commonwealth which have listed Division 2 of Part 2 of the Act in column 3 of Schedule 1 are not subject to the operation of Division 2 of Part 2 of the Act. Those laws of the Commonwealth which have listed a provision of Division 2 of Part 2 of the Act in column 3 of Schedule 1 are not subject to the operation of a provision of Division 2 of Part 2 of the Act.

Regulation 6 means that those laws of the Commonwealth which have listed section 14 in column 3 of Schedule 1 are not subject to the operation of section 14 of the Act.

Regulation 7 means that those laws of the Commonwealth which have listed section 15 in column 3 of Schedule 1 are not subject to the operation of section 15 of the Act.

Item 2 of Schedule 1 substitutes a new schedule 1 to the Regulations. Column 2 of Schedule 1 identifies the laws of the Commonwealth which are exempt from the corresponding provisions of the Act listed in column 3 of Schedule 1.