

South Australia

## Electronic Transactions Regulations 2002

under the *Electronic Transactions Act 2000*

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#### 1—Short title

These regulations may be cited as the *Electronic Transactions Regulations 2002*.

#### 3—Interpretation

In these regulations—

*Act* means the *Electronic Transactions Act 2000*.

#### 4—Certain transactions excluded from section 7(1) of the Act

- (1) Subject to subregulation (2), section 7(1) of the Act does not apply to the following:
  - (a) a law of this jurisdiction relating to the disposition of land, to the creation or disposition of an interest in land, or to any other dealing or other action relating to an interest in land;
  - (b) a law of this jurisdiction requiring a document to be witnessed, attested, verified or authenticated under the signature of a person other than the author of the document;
  - (c) a law of this jurisdiction requiring that delivery of a document be effected by personal service only;
  - (d) the *Consumer Credit (South Australia) Code*;
  - (e) the *Consumer Credit (South Australia) Regulations*;
  - (f) section 13 of the *Second-hand Dealers and Pawnbrokers Act 1996*.
- (2) Paragraphs (a) and (b) of subregulation (1) do not apply to a law relating to—
  - (a) an application for a development authorisation relating to the proposed division of land under section 33(1) of the *Development Act 1993*; or
  - (b) a certificate relating to the proposed division of land under section 51 of the *Development Act 1993* (including where the certificate is being used for the purposes of another Act); or

- (c) a plan relating to the division of land or the amalgamation of allotments under Part 19AB of the *Real Property Act 1886*; or
- (d) a plan relating to the division of land or the amalgamation of 2 or more deposited community plans under Part 3 or 7 of the *Community Titles Act 1996* (including a plan for the amendment, substitution or cancellation of an existing plan); or
- (e) a plan relating to the division of land or the amalgamation of 2 or more deposited strata plans under Part 2 of the *Strata Titles Act 1988* (including a plan for the amendment, substitution or cancellation of an existing plan); or
- (f) a certificate of a licensed surveyor required under the *Real Property Act 1886*, the *Community Titles Act 1996* or the *Strata Titles Act 1988*; or
- (g) a certificate of a land valuer required under the *Community Titles Act 1996* or the *Strata Titles Act 1988*.

## **5—Certain requirements and permissions excluded from Part 2 Division 2 of Act**

- (1) Subject to subregulation (3), Division 2 of Part 2 does not apply to the following requirements or classes of requirements:
  - (a) a requirement under a law of this jurisdiction that the disposition of land, the creation or disposition of an interest in land, or any other dealing or other action relating to an interest in land be effected by instrument or be evidenced in writing;
  - (b) a requirement under a law of this jurisdiction that a document be witnessed, attested, verified or authenticated under the signature of a person other than the author of the document;
  - (c) a requirement under a law of this jurisdiction that delivery of a document be effected by personal service only;
  - (d) a requirement under the *Consumer Credit (South Australia) Code*;
  - (e) a requirement under the *Consumer Credit (South Australia) Regulations*;
  - (f) a requirement under section 13 of the *Second-hand Dealers and Pawnbrokers Act 1996*.
- (2) Division 2 of Part 2 does not apply to the following permissions or classes of permissions:
  - (a) a permission under a law of this jurisdiction for a document to be witnessed, attested, verified or authenticated under the signature of a person other than the author of the document;
  - (b) a permission under a law of this jurisdiction for a document to be served by personal service only;
  - (c) a permission under the *Consumer Credit (South Australia) Code*;
  - (d) a permission under the *Consumer Credit (South Australia) Regulations*.

- (3) Paragraphs (a) and (b) of subregulation (1) do not apply to a law relating to—
- (a) an application for a development authorisation relating to the proposed division of land under section 33(1) of the *Development Act 1993*; or
  - (b) a certificate relating to the proposed division of land under section 51 of the *Development Act 1993* (including where the certificate is being used for the purposes of another Act); or
  - (c) a plan relating to the division of land or the amalgamation of allotments under Part 19AB of the *Real Property Act 1886*; or
  - (d) a plan relating to the division of land or the amalgamation of 2 or more deposited community plans under Part 3 or 7 of the *Community Titles Act 1996* (including a plan for the amendment, substitution or cancellation of an existing plan); or
  - (e) a plan relating to the division of land or the amalgamation of 2 or more deposited strata plans under Part 2 of the *Strata Titles Act 1988* (including a plan for the amendment, substitution or cancellation of an existing plan); or
  - (f) a certificate of a licensed surveyor required under the *Real Property Act 1886*, the *Community Titles Act 1996* or the *Strata Titles Act 1988*; or
  - (g) a certificate of a land valuer required under the *Community Titles Act 1996* or the *Strata Titles Act 1988*.

## Legislative history

### Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

### Principal regulations and variations

New entries appear in bold.

| Year        | No        | Reference                             | Commencement          |
|-------------|-----------|---------------------------------------|-----------------------|
| 2002        | 167       | <i>Gazette 29.8.2002 p3254</i>        | 1.11.2002: r 2        |
| <b>2004</b> | <b>21</b> | <b><i>Gazette 29.4.2004 p1174</i></b> | <b>29.4.2004: r 2</b> |
| 2006        | 210       | <i>Gazette 24.8.2006 p3000</i>        | uncommenced           |

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

| Provision     | How varied   | Commencement     |
|---------------|--|------------------|
| <i>r 2</i>    | <i>omitted under the Legislation Revision and Publication Act 2002</i> | <i>29.4.2004</i> |
| <b>r 4</b>    |  |                  |
| <b>r 4(1)</b> | <b>r 4 varied by 21/2004 r 4(1)</b>                                    | <b>29.4.2004</b> |
|               | <b>r 4 redesignated as r 4(1) by 21/2004 r 4(2)</b>                    | <b>29.4.2004</b> |
| <b>r 4(2)</b> | <b>inserted by 21/2004 r 4(2)</b>                                      | <b>29.4.2004</b> |
| <b>r 5</b>    |  |                  |
| <b>r 5(1)</b> | <b>varied by 21/2004 r 5(1)</b>  | <b>29.4.2004</b> |
| <b>r 5(3)</b> | <b>inserted by 21/2004 r 5(2)</b>                                      | <b>29.4.2004</b> |