

House of Assembly—No 184

As laid on the table and read a first time, 1 December 2016

South Australia

**Electronic Transactions (Legal Proceedings)
Amendment Bill 2016**

A BILL FOR

An Act to amend the *Electronic Transactions Act 2000*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

5 This Act may be cited as the *Electronic Transactions (Legal Proceedings) Amendment Act 2016*.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

10 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Electronic Transactions Act 2000*

4—Amendment of section 5—Interpretation

Section 5(1), definition of *law of this jurisdiction*—after "whether" insert:

in the civil or criminal jurisdiction and whether

15 5—Amendment of section 8—Writing

Section 8—after subsection (2) insert:

20 (2a) For the purposes of subsections (1)(b) and (2)(b), a person to whom prescribed legal proceedings relate will be taken to have consented to any information required or permitted to be given to the person in relation to those proceedings by means of an electronic communication.

- 5 (2b) Subsection (2a) only applies if, before giving the information by means of an electronic communication, it has been ascertained that the person, or a legal practitioner representing that person, will be readily able to access or download, and (if required) print, the information.

6—Amendment of section 9—Signatures

Section 9—after subsection (1) insert:

- 10 (1a) For the purposes of subsection (1)(c), a person to whom prescribed legal proceedings relate to whom a signature is required to be given will be taken to have consented to that requirement being met in relation to those proceedings by way of the use of the method mentioned in subsection (1)(a).

- 15 (1b) Subsection (1a) only applies if, before communicating by means of an electronic communication information in respect of which the signature of a person is required, it has been ascertained that the person to whom the signature is required to be given, or a legal practitioner representing that person, will be readily able to access or download, and (if required) print, the information.

7—Amendment of section 10—Production of document

20 Section 10—after subsection (2) insert:

- 25 (2a) For the purposes of subsections (1)(c) and (2)(c), a person to whom prescribed legal proceedings relate will be taken to have consented to the production of a document required or permitted to be produced in relation to those proceedings by means of an electronic communication.

- 30 (2b) Subsection (2a) only applies if, before producing a document by means of an electronic communication, it has been ascertained that the person, or a legal practitioner representing that person, will be readily able to access or download, and (if required) print, the document.