

South Australia

Electronic Transactions Regulations 2017

under the *Electronic Transactions Act 2000*

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Schedule 1—Revocation of *Electronic Transactions Regulations 2002*

1—Short title

These regulations may be cited as the *Electronic Transactions Regulations 2017*.

2—Commencement

These regulations will come into operation on the day on which the *Electronic Transactions (Legal Proceedings) Amendment Act 2017* comes into operation.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Electronic Transactions Act 2000*;

prescribed legal proceedings—see regulation 4.

4—Prescribed legal proceedings

- (1) Subject to this regulation, the following proceedings are prescribed legal proceedings for the purposes of Part 2 Division 2 of the Act:
 - (a) proceedings under the *Summary Procedure Act 1921* relating to a summary or indictable offence;
 - (b) proceedings (including administrative processes) relating to—
 - (i) the enforcement of a sentence for an offence; or
 - (ii) the enforcement and recovery of fines; or
 - (iii) the issue and recovery of expiation fees;
 - (c) proceedings relating to—

- (i) orders of a court of a restrictive nature made under the *Summary Procedure Act 1921*, such as a non-association order, a place restriction order, a paedophile restraining order or a child protection restraining order; or
 - (ii) orders of a court made under the *Intervention Orders (Prevention of Abuse) Act 2009*.
- (2) A court order of a kind referred to in subregulation (1)(c)(i) or (ii) that is required under the relevant Act to be served on a person in a specified way must be served in the way specified in that Act.
- (3) Nothing in this regulation requires any information relating to prescribed legal proceedings to be given to a person to whom those proceedings relate by means of an electronic communication if the information is sensitive material within the meaning of section 67H of the *Evidence Act 1929*.

5—Certain transactions excluded from section 7 of Act

- (1) Subject to this regulation, section 7(1) of the Act does not apply to the following:
 - (a) 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;
 - (b) a law of this jurisdiction requiring that delivery of a document be effected by personal service only;
 - (c) section 13 of the *Second-hand Dealers and Pawnbrokers Act 1996*.
- (2) Subregulation (1)(a) does not apply to a law 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.
- (3) Subregulation (1) does not apply to prescribed legal proceedings.

6—Certain requirements and permissions excluded from Part 2 Division 2 of Act

- (1) Subject to this regulation, Part 2 Division 2 of the Act does not apply—
 - (a) to the following requirements or classes of requirements:
 - (i) 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;
 - (ii) a requirement under a law of this jurisdiction that delivery of a document be effected by personal service only;
 - (iii) a requirement under section 13 of the *Second-hand Dealers and Pawnbrokers Act 1996*; or
 - (b) to the following permissions or classes of permissions:
 - (i) 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;

- (ii) a permission under a law of this jurisdiction for a document to be served by personal service only.
- (2) Subparagraphs (i) and (ii) of subregulation (1)(a) and subregulation (1)(b) do not apply to a law 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.
- (3) Subregulation (1) does not apply to prescribed legal proceedings.

7—Section 10(1)(c) of Act not to apply in certain circumstances

Section 10(1)(c) of the Act does not apply if an electronic form of the document is produced by means of the software application authorised by the Minister and known as mySA GOV.

Schedule 1—Revocation of *Electronic Transactions Regulations 2002*

The *Electronic Transactions Regulations 2002* are revoked.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 29 August 2017

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