

Version No. 002
Electronic Transactions (Victoria)
Regulations 2020

S.R. No. 70/2020

Version incorporating amendments as at
26 April 2021

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Page</i>
1 Objective	1
2 Authorising provisions	1
3 Commencement	1
4 Revocation	1
5 Definition	1
6 Exemption for wills, codicils and other testamentary instruments	1
7 Exemption for personal service requirements	2
8 Exemption for approved forms to be lodged with the Registrar of Titles	2
9 Exemption for the Voluntary Assisted Dying Act 2017	2
10 Exemption for the making of an advance care directive under the Medical Treatment Planning and Decisions Act 2016	3
<hr/> <hr/>	
Endnotes	4
1 General information	4
2 Table of Amendments	6
3 Amendments Not in Operation	7
4 Explanatory details	8

Version No. 002
Electronic Transactions (Victoria)
Regulations 2020

S.R. No. 70/2020

Version incorporating amendments as at
26 April 2021

1 Objective

The objective of these Regulations is to provide exemptions from the application of the **Electronic Transactions (Victoria) Act 2000**.

2 Authorising provisions

These Regulations are made under sections 6A and 15 of the **Electronic Transactions (Victoria) Act 2000**.

3 Commencement

These Regulations come into operation on 26 July 2020.

4 Revocation

The Electronic Transactions (Victoria) Regulations 2010¹ are **revoked**.

5 Definition

In these Regulations—

the Act means the **Electronic Transactions (Victoria) Act 2000**.

6 Exemption for wills, codicils and other testamentary instruments

- (1) Section 7(1) of the Act does not apply to any transaction by which a will, a codicil or any other testamentary instrument is created, executed or revoked.

- (2) Division 2 of Part 2 of the Act does not apply to a requirement or permission relating to the creation, execution or revocation of a will, codicil or any other testamentary instrument.

7 Exemption for personal service requirements

- (1) Section 7(1) of the Act does not apply to any transaction (being the delivery of information or a document) required to be effected only by personal service.
- (2) Division 2 of Part 2 of the Act does not apply to a requirement that information or a document be delivered only by personal service.

Reg. 8
inserted by
S.R. No.
38/2021 reg. 4.

8 Exemption for approved forms to be lodged with the Registrar of Titles

- (1) Section 7(1) of the Act does not apply to any form approved under section 121 of the **Transfer of Land Act 1958** that is to be submitted for lodgement with the Registrar of Titles.
- (2) Division 2 of Part 2 of the Act does not apply to any form approved under section 121 of the **Transfer of Land Act 1958** that is to be submitted for lodgement with the Registrar of Titles.

Reg. 9
inserted by
S.R. No.
38/2021 reg. 4.

9 Exemption for the Voluntary Assisted Dying Act 2017

- (1) Section 7(1) of the Act does not apply to any signing or witnessing requirement in the **Voluntary Assisted Dying Act 2017**.

- (2) Division 2 of Part 2 of the Act does not apply to any signing or witnessing requirement in the **Voluntary Assisted Dying Act 2017**.

10 Exemption for the making of an advance care directive under the Medical Treatment Planning and Decisions Act 2016

Reg. 10
inserted by
S.R. No.
38/2021 reg. 4.

- (1) Section 7(1) of the Act does not apply to any witnessing requirement under the **Medical Treatment Planning and Decisions Act 2016** for the making of an advance care directive within the meaning of that Act.
- (2) Division 2 of Part 2 of the Act does not apply to any witnessing requirement under the **Medical Treatment Planning and Decisions Act 2016** for the making of an advance care directive within the meaning of that Act.
-
-

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current Versions of legislation and up-to-date legislative information.

The Electronic Transactions (Victoria) Regulations 2020, S.R. No. 70/2020 were made on 7 July 2020 by the Governor in Council under sections 6A and 15 of the **Electronic Transactions (Victoria) Act 2000**, No. 20/2000 and came into operation on 26 July 2020: regulation 3.

The Electronic Transactions (Victoria) Regulations 2020 will sunset 10 years after the day of making on 7 July 2030 (see section 5 of the **Subordinate Legislation Act 1994**).

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule.

This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules;

items; tables; columns; examples; diagrams; notes or forms.
See section 36(1A)(2A)(2B).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

Electronic Transactions (Victoria) Regulations 2020
S.R. No. 70/2020
Endnotes

2 Table of Amendments

This publication incorporates amendments made to the Electronic Transactions (Victoria) Regulations 2020 by statutory rules, subordinate instruments and Acts.

Electronic Transactions (Victoria) Amendment Regulations 2021, S.R. No. 38/2021
Date of Making: 20.4.21
Date of Commencement: 26.4.21: reg. 3

3 Amendments Not in Operation

This version does not contain amendments that are not yet in operation.

4 Explanatory details

¹ Reg. 4: S.R. No. 70/2010.