

# Electronic Transactions Regulations 2000 2000 No. 19

## EXPLANATORY STATEMENT

### Statutory Rules 2000 No. 19

Issued by the Authority of the Attorney-General

*Electronic Transactions Act 1999*

Electronic Transactions Regulations 2000

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. The purpose of the Regulations is to specify those laws of the Commonwealth to which the Act will apply. Sub-section 5(2) of the Act provides that, before 1 July 2001, a law of the Commonwealth means a law of the Commonwealth specified in the regulations. After 1 July 2001, the Act will apply to all Commonwealth laws unless specifically exempted by regulation. Accordingly, regulations specifying the Commonwealth laws to which the Act will apply needed to be in place at the time of the Act's commencement.

The Act received Royal Assent on 10 December 1999. It commenced by proclamation on 15 March 2000. The Electronic Transactions Regulations 2000 also commenced operation' on 15 March 2000 to coincide with the Act's commencement.

The Act creates a regulatory regime for the use of electronic communications in transactions. It facilitates the development of electronic commerce in Australia by broadly removing existing legal impediments that may prevent a person using electronic communications to satisfy obligations under Commonwealth law. 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.

The Act is based on the recommendations of the Electronic Commerce Expert Group that reported to the Attorney-General in March 1998. The Expert Group was established by the Attorney-General to consider the legal issues raised by electronic commerce and the appropriate form of regulation, consistent with international developments, to deal with those issues. The Act has developed through an extensive process of public consultation.

All Commonwealth Departments and agencies that administer legislation were invited to consider which legal requirements, if any, could be satisfied by electronic communications. Legislation and subordinate legislation identified by Departments and agencies are contained in the Electronic Transactions Regulations 2000.

The Attorney-General's Department will continue receiving requests from Commonwealth Departments and agencies to include legislation in the electronic transactions scheme. Consequently there may be a requirement to amend the Regulations as necessary up to July 2001. All existing Electronic Transaction Regulations will be repealed prior to 1 July 2001 to be replaced by regulations that specifically exempt particular laws from the operation of the Act.

## Appendix H

The following pieces of legislation have been nominated by the Department of Finance and Administration for inclusion in the Electronic Transactions Regulations 2000. These pieces have been checked by the Office of Legislative Drafting who have advised us that they do not contain provisions that can be satisfied by electronic communications.

Appropriation Acts

*Lands Acquisition (Defence) Act 1968*

Loan Acts

*Loan (Temporary Revenue Deficits) Act 1953 section 3*

*Loan (War Service Land Settlement) Act 1970*

*Loan (War Service Land Settlement) Act 1971*

*Loan (War Service Land Settlement) Act 1972*

*Loan (War Service Land Settlement) Act 1975*

*Loan (War Service Land Settlement) Act 1977*

*Remuneration and Allowances Act 1990*

*Remuneration and Allowances Alteration Act 1986*

*Superannuation (Distribution of Surplus) Act 1974*

*Surplus Revenue Act 1908*

*Surplus Revenue Act 1910*

*Territory Authorities (Financial Provisions) Act 1978*

*Treaty of Peace (Germany) Act 1919*

*War Gratuity Appropriation Act 1948*

*Western Australia (South-West Region Water Supplies) Agreement Act 1965*