

Electronic Transactions Amendment Regulations 2001 (No. 1) 2001 No. 84

EXPLANATORY STATEMENT

Statutory Rules 2001 No. 84

Issued by the Authority of the Attorney-General

Electronic Transactions Act 1999

Electronic Transactions Amendment Regulations 2001 (No. 1)

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. Subsection 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. From 1 July 2001, the Act will apply to all Commonwealth laws unless specifically exempted by regulation. Accordingly, the first set of regulations specifying the Commonwealth laws to which the Act will apply were put in place at the time of the Act's commencement.

The Act received Royal Assent on 10 December 1999 and commenced by proclamation on 15 March 2000. The *Electronic Transactions Regulations 2000* (the Regulations) 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.

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 Regulations.

The Attorney-General's Department continues to receive requests from Commonwealth Departments and agencies to include legislation in the electronic transactions scheme and it is anticipated that the Regulations will be amended as necessary up to July 2001. The amending Regulations prescribe additional Commonwealth laws to which the Act will apply. The Regulations will be repealed at 1 July 2001 and replaced by regulations that specifically exempt particular laws from the operation of the Act, consistent with subsection 5(2) of the Act.

Details of the Amending Regulations are in the attachment.

Attachment

NOTES ON PROPOSED REGULATIONS

The details of the Amending Regulations are as follows:

Regulation 1 Cites the Amending Regulations as the *Electronic Transactions Amendment Regulations 2001 (No. 1)*.

Regulation 2 The Amending Regulations commence on 24 May 2001.

Regulation 3 notes that the Schedule 1 of the Amending Regulations will amend the Electronic Transactions Regulations 2000 by including additional laws of the Commonwealth to which the *Electronic Transactions Act 1999* (the Act) applies.

Schedule 1 of the Amending Regulations lists the following laws of the Commonwealth to which the Act will apply from 24 May 2001:

- *Patents Act 1990*
- *Patents Regulations 1991*