

Electronic Transactions (Amendment) Regulations 2000 (No. 1) 2000 No. 101

EXPLANATORY STATEMENT

Statutory Rules 2000 No. 101

Issued by the Authority of the Attorney-General

Electronic Transactions Act 1999

Electronic Transactions (Amendment) Regulations 2000 (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. After 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 made on 7 June prescribe additional Commonwealth laws to which the Act will apply. The Regulations will be repealed prior to 1 July 2001 and replaced by regulations that specifically exempt particular laws from the operation of the Act, consistent with subsection 5(2) of the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 attached (Attachment 1).

Attachment 1

The Amending Regulations are as follows:

Regulation 1 identifies the Amending Regulations as the *Electronic Transactions*

Amendment Regulations 2000 (No. 1)

Regulation 2 establishes the dates on which the Regulations are to commence. The Regulations will commence as follows:

- (a) on gazettal - regulations 1 to 3 and Schedule 1;
- (b) on 24 June 2000 - Schedule 2.

Regulation 3 notes that the Schedules 1 and 2 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 list the following laws of the Commonwealth to which the Act will apply upon gazettal of the Amending Regulations:

- * *Offshore Minerals Act 1994*
- * *Radiocommunications Act 1992* section 129
- * *Workplace Relations Act 1996* Parts IVA and VID

Schedule 1 of the Amending Regulations list the following laws of the Commonwealth to which the Act will apply on 24 June 2000:

- * Quarantine (Cocos Islands) Regulations
- * Quarantine Proclamation 1998
- * Quarantine Regulations 2000