

SUBMISSION NO.13

Treaties referred on 16 November 2010



Australian Government
Attorney-General's Department

Civil Law Division

10/10497

1 March 2011

Mr Kelvin Thomson MP
Chair
Joint Standing Committee on Treaties
Parliament House
CANBERRA ACT 2600



Dear Mr Thomson

Proof Committee Hansard – Reference: Treaties Tabled on 16 November 2010

I refer to the public hearing concerning the *United Nations Convention on the Use of Electronic Communications in International Contracts 2005* on 7 February 2011.

The Attorney-General's Department appreciates the opportunity to provide the following supplementary responses to questions asked by Ms Michelle Rowland MP on page 18 of the transcript.

Ms ROWLAND - You mentioned those 18 signatories to the convention. Does each of those have a domestic law regarding electronic transactions?

Not all of the 18 countries that have signed the Convention have implemented the UNCITRAL Model Law on Electronic Commerce. Details of the domestic laws in these countries are in various languages and it is difficult for us to confirm that all have domestic laws regarding electronic transactions in place.

Ms ROWLAND – I have not looked at the ETA in a couple of months, but my understanding is that it says that contracts are not invalid merely by virtue of the fact that they were conducted by electronic means.

The Commonwealth ETA contains a broad definition of 'transaction' which is intended to be interpreted to include contracts, but does not expressly refer to contracts. The definition of 'transaction' in the State and Territory ETAs does expressly include contracts.

The action officer for this matter is Debrah Pono who can be contacted on 02 6141 3445.

Yours sincerely

A handwritten signature in black ink that appears to read "Helen Daniels".

Helen Daniels
Assistant Secretary
Business Law Branch

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