



FIRST SESSION OF THE THIRTY-SIXTH PARLIAMENT

**REPORT OF THE
STANDING COMMITTEE ON LEGISLATION
IN RELATION TO THE
ELECTRONIC TRANSACTIONS BILL 2001**

Presented by Hon Jon Ford MLC (Chairman)

Report 7
November 2001

STANDING COMMITTEE ON LEGISLATION

Date first appointed:

May 24 2001

Terms of Reference:

The following is an extract from Schedule 1 of the Legislative Council Standing Orders:

“1. Legislation Committee

- 1.1 A *Legislation Committee* is established.
- 1.2 The Committee consists of 7 members.
- 1.3 The functions of the Committee are -
 - (a) to consider and report on any bill referred by the House;
 - (b) to review the form and content of the statute book;
 - (c) to inquire into and report on any proposal to reform an existing law;
 - (d) to consider and report on a bill referred under SO 230 (c).
- 1.4 Unless otherwise ordered, the policy of a bill referred under subclause 1.3(a) at the second reading or any subsequent stage is excluded from the Committee’s consideration.
- 1.5 The Committee of its own motion, or on a reference from a Minister, may inquire into and report to the House on any or all aspects, including policy, of a proposal for an agreement or arrangement that, to have effect, would necessitate the enactment of legislation of a type described in SO 230 (c).”

Members as at the time of this inquiry:

Hon Jon Ford MLC (Chairman)	Hon Adele Farina MLC
Hon Giz Watson MLC (Deputy Chair)	Hon Peter Foss MLC
Hon Kate Doust MLC	Hon Bill Stretch MLC
Hon Paddy Embry MLC	

Staff as at the time of this inquiry:

Mia Betjeman, Principal Advisory Officer	Louis Gargan, Committee Clerk
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REPORT OF THE STANDING COMMITTEE ON LEGISLATION
IN RELATION TO THE
ELECTRONIC TRANSACTIONS BILL 2001

1 REFERENCE AND PROCEDURE

- 1.1 The Electronic Transactions Bill 2001 (**Bill**) was referred to the Standing Committee on Legislation (**Committee**) on October 23 2001, under Standing Order 230(d) of the Legislative Council.
- 1.2 Standing Order 230(d) requires that the Committee report to the Legislative Council within 30 days. On October 25 2001 the Council ordered that the time within which the Committee is to report the Bill to the House under Standing Order 230(d) be extended to not later than December 19 2001.

2 PURPOSE OF THE BILL

- 2.1 The purpose of the Bill is to provide a regulatory framework for the use of electronic transactions. The Bill seeks, subject to certain exclusions, to allow an electronic communication the same validity as a written communication. The Bill also provides rules for determining the time and place of dispatch of electronic documents and the authority of the originator of the electronic communication.

3 REPORT NO 58 OF THE FORMER CONSTITUTIONAL AFFAIRS COMMITTEE

- 3.1 The Committee notes that during the Thirty-Fifth Parliament the former Constitutional Affairs Committee considered the Electronic Transactions Bill 2000 which is identical to this Bill save and except for the year.
- 3.2 As part of its review of that bill, the former Constitutional Affairs Committee advertised its inquiry in *The West Australian* newspaper, received and considered submissions and held a hearing.
- 3.3 On November 7 2000 the former Constitutional Affairs Committee tabled *Report No 58 in relation to the Electronic Transactions Bill 2000* in the Legislative Council, making two recommendations. The Committee refers the Legislative Council to that report.

Hon Jon Ford MLC
Chairman

Date: November 7 2001