



Australian Government

Department of Finance and Administration

Ms Helen Daniels PSM
Assistant Secretary
Copyright Law Branch
Attorney General's Department
Robert Garran Offices
National Circuit
Barton ACT 2600

Dear Ms Daniels

Thank you for your letter of 18 November 2008 seeking the views of the Australian Government Information Management Office (AGIMO) on Australia's possible accession to the United Nations Convention on the use of Electronic Communications in International Contracts 2005 (the Convention).

AGIMO supports accession, and therefore does not wish to make a detailed submission.. However we are concerned about the validity of contracts entered into using "automated message systems" (Recommendation 6). We are unclear how a legal framework would be formed to ensure that the parties had agreed. In addition to the need to avoid repudiation, we see potential governance challenges. For example, Financial Management and Accountability Act agencies may have difficulty demonstrating that an agreement based on automated messaging had been approved by an authorised person.

AGIMO therefore believes that domestic electronic transaction legislation should distinguish between agreement to terms and the formation (electronically) of specific agreements employing those terms.

The contact for this matter is Mr Drew Andison who may be contacted on 6215 1544 or drew.andison@finance.gov.au.

Yours sincerely

Graham Fry
Division Manager
Australian Government Information Management Office
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