

Dear Ms Daniels,

This e-mail provides you with the National Measurement Institute's (NMI) response to the consultation paper released by the Attorney General's Department in November 2008, regarding proposed amendments to Australia's Electronic Transaction Laws.

The proposed amendments to the Electronic Transaction Acts (ETAs) to bring them in line with contract law as interpreted under the Convention are acceptable to NMI.

NMI suggests that to ensure consistency it would be helpful for the ETAs to specify that where it is necessary for the time of a transaction to be determined, such a determination should be with reference to Coordinated Universal Time (UTC) - for example, to Australia's realisation of Coordinated Universal Time (UTC(AUS)) maintained by NMI, as required by the *National Measurement Act 1960 (Cth)*.

It may further be helpful for the ETAs or supporting regulations to specify appropriate technical practices to ensure that the determination of time has sufficient reliability and integrity. These guidelines may cover the resolution to which time is determined, the tolerance to which reference timing systems are synchronised to UTC or UTC(AUS), and the keeping of records to verify *post facto* the accuracy of synchronisation. NMI would be able to assist with providing technical guidance or to draft suggested wording if required. We appreciate that such measures would need to be consistent with the Convention and specific to the jurisdiction in question.

Please let me know if anything is not clear or if you need any further information we are happy to further discuss.

Yours sincerely

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