



Speech by

Hon. R. WELFORD

MEMBER FOR EVERTON

Hansard 31 May 2001

ELECTRONIC TRANSACTIONS (QUEENSLAND) BILL

Hon. R. J. WELFORD (Everton—ALP) (Attorney-General and Minister for Justice) (7.03 p.m.), in reply: I thank honourable members for their contributions—the member for Southern Downs, the member for Algeester and the member for Moggill. As all members have indicated, this is an important piece of legislation that facilitates the recognition of electronic transactions as legitimate transactions parallel to the transactions that have traditionally been conducted, on a business-to-business basis, business to government and between consumers and business—usually in the past, of course, through hard copy documents.

As has been indicated, all this started with the United Nations General Assembly model law that was adopted in December 1996. As the member for Moggill indicated, if Queensland and Australia are to remain at the forefront of the economic efficiencies and economic opportunities that arise from electronic business, electronic transactions, then we need to make sure both the legal framework and the technical infrastructure are in place for that to occur.

The member for Moggill mentioned somewhat critically the delay in Queensland getting this legislation before the House. It is true that the election intervened in the passing of this legislation, which was introduced in November last year. It should be remembered, of course, that the Commonwealth legislation does not apply to all Commonwealth laws or transactions until 1 July this year and, of course, our legislation will be well and truly in effect by then. Of course, the Electronic Transactions Acts of other states were mostly passed towards the latter half of last year as well. So although our election intervened, we are not that far behind. Indeed, our legislation will take effect in sufficient time to create the same opportunities for legal recognition of electronic transactions as in other states.

The two main principles that underpin what we are doing here are, firstly, to ensure that electronic transactions are given the same legal recognition as paper-based transactions and that electronic transactions are not disadvantaged in that respect. Secondly, the technological neutrality of electronic transactions is secured by this legislation, except, of course, where there are specific requirements that place conditions on the validity of a transaction, such as security or conditions such as consent to receiving these transactions.

I mentioned in the second reading speech, and also it is noted in clause 10 of the bill, the range of examples for which this bill will provide: the transfer of information to government, such as when application is made for a licence or the lodgement of some form or other; when requests are made for access to information under the freedom of information legislation; and the transfer of information between government and citizens, which will be able to be made more efficient, hopefully less expensive, and certainly more quickly than has been available in the past.

Asserting and securing an individual's rights is also a factor that ought to be able to be exercised by electronic means, and this legislation will allow that to occur. So it is not just the commercial transactions that occur between citizens as part of the civil law of our state but also the relationship fundamentally between citizens and the government that can be transformed by better access to information and by the more efficient transfer of information between citizens and government that make for an open and democratic society.

There are, of course, key issues to be dealt with. The member for Moggill mentioned issues to do with the recognition of signatures. There are other issues in relation to the evidentiary value of electronic documents. As far as possible, this legislation seeks to give effect to documents having equal evidentiary value as hard copy or paper documents. But it will not interfere with other laws such as the Evidence Act or other legislation which places specific requirements on what sorts of evidence are necessary or sufficient for particular purposes.

This is really the first instalment of laws that, 50 years ago, were not necessary and not even contemplated. It is the first instalment of laws that are a very real response to a changing world. I think it is important—and in some respects underestimated by all of us—the significance of this legal transition to a world in which electronic communication of information and data will become increasingly a central part of our economic life.

I thank honourable members for their contributions. Having regard to the time, I join other members in commending this bill to the House. I thank the opposition for its support.
