

14 ELECTRONIC COMMERCE

Preamble

The Parties recognise the economic growth and opportunities provided by electronic commerce, the importance of avoiding barriers to its use and development, and the applicability of relevant WTO rules.

ARTICLE 1

Purposes and Definitions

1. The purposes of this Chapter are to promote electronic commerce between the Parties and to promote the wider use of electronic commerce globally.
2. For the purposes of this Chapter:
 - (a) “customs duties” has the same meaning as Article 1(a) of Chapter 2 (Trade in Goods);
 - (b) “electronic version” of a document means a document in an electronic format prescribed by a Party, including a document sent by facsimile transmission; and
 - (c) “trade administration documents” means paper forms issued or controlled by the Government of a Party which must be completed by or for an importer or exporter in relation to the import or export of goods.

ARTICLE 2

Transparency

1. Each Party shall promptly publish, or otherwise promptly make publicly available where publication is not practicable, all relevant measures of general application which pertain to or affect the operation of this Chapter.
2. Each Party shall respond promptly to all requests by the other Party for specific information on any of its measures of general application within the meaning of paragraph 1.

ARTICLE 3

Customs Duties

Each Party shall maintain its current practice of not imposing customs duties on electronic transmissions between Australia and Singapore.

ARTICLE 4

Domestic Regulatory Frameworks

1. Each Party shall maintain domestic legal frameworks governing electronic transactions based on the UNCITRAL Model Law on Electronic Commerce.
2. Each Party shall:
 - (a) minimise the regulatory burden on electronic commerce; and
 - (b) ensure that regulatory frameworks support industry-led development of electronic commerce.

ARTICLE 5

Electronic Authentication and Electronic Signatures

1. Each Party shall maintain domestic legislation for electronic authentication that:
 - (a) permits parties to an electronic transaction to determine the appropriate authentication technologies and implementation models for their electronic transaction, without limiting the recognition of technologies and implementation models; and
 - (b) permits parties to an electronic transaction to have the opportunity to prove in court that their electronic transaction complies with any legal requirements.
2. The Parties shall work towards mutual recognition of electronic signatures through a cross-recognition framework at government level based on internationally accepted standards.
3. The Parties shall encourage the interoperability of digital certificates in the business sector, including in financial services.

ARTICLE 6

Online Consumer Protection

1. Each Party shall, to the extent possible and in a manner considered appropriate by that Party, provide protection for consumers using electronic commerce that is at least equivalent to that provided for consumers of other forms of commerce under their respective domestic laws.

ARTICLE 7

Online Personal Data Protection

1. Notwithstanding the differences in existing systems for personal data protection in the territories of the Parties, each Party shall take such measures as it considers appropriate and necessary to protect the personal data of users of electronic commerce.

2. In the development of data protection standards, each Party shall take into account the international standards and criteria of relevant international organisations.

ARTICLE 8

Paperless Trading

1. Each Party shall make publicly available, which may include through a process prescribed by the relevant Party, electronic versions of all existing publicly available versions of trade administration documents by 2005.

2. Each Party shall accept electronic versions of its trade administration documents as the legal equivalent of paper documents except where:

- (a) there is a domestic or international legal requirement to the contrary; or
- (b) doing so would reduce the effectiveness of the trade administration process.

3. The Parties shall cooperate bilaterally and in international fora to enhance the acceptance of electronic versions of trade administration documents.

ARTICLE 9

Exceptions

1. This Chapter shall be subject to the general and security exceptions listed in Articles 18 (General Exceptions) and 19 (Security Exceptions) of Chapter 7 (Trade in Services).

ARTICLE 10

Non-Application of Dispute Settlement Provisions

Chapter 16 (Dispute Settlement) shall not apply to Articles 4 (Domestic Regulatory Framework), 5 (Electronic Authentication and Electronic Signature), 6 (Online Consumer Protection) and 7 (Online Personal Data Protection) of this Chapter.