

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
ATTORNEY-GENERAL'S DEPARTMENT

**Group 2**

**Output 1.1**

**Question No. 18**

**Senator Humphries asked the following question at the hearing on 23 May 2012:**

**Senator HUMPHRIES:** ...I will now turn to a question about Australian contract law reform. I understand that the government has foreshadowed a review of Australia's system of contract law, which aims to be wide-ranging, to 'make it simpler, cutting red tape and encouraging trade'.

...

I will ask you to take on notice these questions. How much does the government intend to allocate to undertake the review? Is it entirely within the Attorney-General's Department, or are there other agencies or departments also participating in the review? When will the review take place? And who will be included in the review? That is four questions.

**Mr Wilkins:** I will take those on notice and give you a response. We could sort of do it now, but I think it would be better to give you a considered response on those things. And some of those questions are not entirely settled.

**The answer to the honourable senator's question is as follows:**

The Department is currently managing a consultation process to evaluate the scope for reforming Australian contract law.

1. The review is currently being undertaken using existing departmental resources.
2. The Department is leading the conduct of the review in consultation with related portfolios and with the following departments:
  - Department of the Treasury
  - Department of Industry, Innovation, Science, Research and Tertiary Education
  - Department of Foreign Affairs and Trade
  - Department of Finance and Deregulation, and
  - Department of Broadband, Communications and the Digital Economy.

Following release of the discussion paper, *Improving Australia's Law and Justice Framework: A discussion paper to explore the scope for reforming Australian contract law* on 22 March 2012, the Attorney-General wrote to the following Ministers and her State and Territory counterparts about the review:

- The Hon Wayne Swan MP, Treasurer
- Senator the Hon Stephen Conroy, Minister for Broadband, Communications and the Digital Economy, Minister Assisting the Prime Minister on Digital Productivity
- Senator the Hon Bob Carr, Minister for Foreign Affairs

- Senator the Hon Penny Wong, Minister for Finance and Deregulation
- The Hon Greg Combet AM MP, Minister for Industry and Innovation
- The Hon Brendan O'Connor MP, Minister for Small Business
- The Hon Dr Craig Emerson MP, Minister for Trade and Competitiveness
- The Hon Bill Shorten MP, Minister for Employment and Workplace Relations
- The Hon David Bradbury MP, Assistant Treasurer, Minister Assisting for Deregulation
- The Hon Bernie Ripoll MP, Parliamentary Secretary to the Treasurer
- The Hon Greg Smith SC MP, Attorney-General and Minister for Justice
- The Hon Robert Clark MP, Attorney-General and Minister for Finance
- The Hon Paul Lucas MP, Attorney-General
- The Hon Christian Porter MLA, Treasurer and Attorney-General
- The Hon John Rau MP, Deputy Premier and Attorney-General
- The Hon Brian Wightman MP, Attorney-General and Minister for Justice
- Mr Simon Corbell MLA, Attorney-General
- The Hon Daniel Robert Knight MLA, Minister for Justice and Attorney-General.

3. The review commenced on 22 March 2012 with the release of a discussion paper entitled *Improving Australia's Law and Justice Framework: A discussion paper to explore the scope for reforming Australian contract law*. Consultation on the review will close on 20 July 2012.

4. The discussion paper is open for comment and submissions from all stakeholders. The Department has notified potential business stakeholders of the consultation process via the business.gov.au website. Meetings with expert stakeholders, including academics and peak bodies representing the legal profession, business (including small business) and consumers will occur in Melbourne on 22 June 2012 and in Sydney on 28 June 2012.