

# Australia

## Legal Provisions

Compiled by:

### Consulate General of Switzerland in Sydney

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#### GENERAL REMARKS

The purpose of this document is to give an overview of trade-related legal provisions and regulations, particularly those relevant for small and medium sized Swiss companies operating from outside the target country. It outlines the current state of legislation and, to the extent possible, its practical application.

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## CUSTOMS LAW AND DUTIES

The [Australian Constitution of 1901](#) established a federal system of government. Under this system, powers are distributed between a national government (the Commonwealth) and the six States (three Territories - the Australian Capital Territory, the Northern Territory, and Norfolk Island have self-government arrangements). The Constitution defines the boundaries of law-making powers between the Commonwealth and the States/Territories. For more information about how the Australian Government works, please click [here](#).

### Customs authority

The [Australian Border Force](#) (ABF), as the operational arm of the Department of Home Affairs (DHA), is an operationally independent agency under the Home Affairs Portfolio. The ABF's mission is to protect Australia's border and enable legitimate travel and trade. It is Australia's frontline border law enforcement agency and customs service, and is highly visible at airports, seaports, undertaking maritime, and compliance activities.

### Tax authority

The [Australian Taxation Office](#) (ATO) is the principal revenue collection agency of the Australian Government for individuals and companies. Its role is to effectively manage and shape the tax and superannuation systems that support and fund services for Australians.

### Australian export and import laws

The Australian Government has a number of policies that seek to develop and assist businesses involved in international trade. Regulation also exists to protect domestic industries, consumers, and the environment from harmful and dangerous goods imported from overseas.

Businesses in Australia are able to import goods from overseas as part of their activities. They should however be aware of government regulations, duty taxes, permits, and quarantine and treatments that apply to imported goods. Imports that do not meet these requirements can be seized by the Australian Border Force.

Due to its unique biodiversity, Australia has very strict laws in relation to items you can bring into the country. For a more complete list of items which are prohibited or restricted or to check limits for duty free items or alcohol and tobacco/cigarettes, please consult the Australian Border Force website [here](#). For information on biosecurity, please check the newly launched website of the Australian Government: <https://www.biosecurity.gov.au/> or the website of the Department of Agriculture, Water and the Environment [here](#). Non-compliance will attract criminal or administrative sanctions. See also chapter "Quarantine regulations" on page 5.

### e-Commerce

In Australia, legal obligations and requirements for online businesses are contained in both legislation and common law principles. Australia has three levels of government: federal, state or territory, and local. Online businesses must comply with laws made by all three levels of government (to the extent applicable). Legislation that may be of particular relevance includes:

- [The Corporations Act 2001](#)
- [The Competition and Consumer Act 2010](#)
- [The Privacy Act 1988](#)
- [The Spam Act 2003](#)
- [A New Tax System \(Goods and Services Tax\) Act 1999](#)
- [The Tax Laws Amendment \(Combating Multinational Tax Avoidance\) Act 2015](#)
- [The Electronic Transactions Act](#) at the Commonwealth and State levels (each state and territory has its own Electronic Transactions Act, which generally mirrors the Commonwealth).

The Australian Government is currently considering accession to the [United Nations Convention on the Use of Electronic Communications in International Contracts](#).

For goods bought online, please also refer to the import restriction on the website of the [Australian Border Force ABF](#).

### **Mail delivery regulations**

All goods imported by post or mail (whether for commercial purposes or personal use) are assessed for community protection risks, permit and import requirements, duty, taxes and other charges.

If your goods arrive in Australia by mail and are [prohibited goods](#) under any Commonwealth law, the Australian Border Force (ABF) can hold the goods until you can produce a permit or approval to import the goods.

For goods that arrive by mail and have a declared or assessed value of AUD 1,000 or less, there are generally no duties, taxes or charges at the border, unless they are alcoholic beverages. However, the Goods and Services Tax (GST) may be collected by overseas vendors of such low value goods when imported from overseas by consumers in Australia (excluding alcoholic beverages). GST will be charged at the point of sale and not at the border. For more information, see [GST on low value imported goods](#).

If the imported goods have a declared or assessed value of over AUD 1,000, you will need to lodge an Import Declaration with us for the goods. The Import Declaration will be assessed for duty and taxes and an import processing charge will also be applied. After you have lodged your Import Declaration, ABF will advise you of the amount you need to pay before your goods can be delivered. Goods with a value over AUD1000 are unable to be delivered unless an Import Declaration is made and any duty, taxes and charges owing are paid in full. If you take no action within 30 days of receiving a First Notice then the goods may be returned to the sender (excluding tobacco and tobacco products).

### **Free trade agreements**

Australia has strong trade ties with the rest of the world and its location has allowed the country to become a major supplier to markets in the Asia-Pacific region. According to the website of the [Department of Foreign Affairs and Trade](#), the following are Australia's current free trade agreements (listed with the entry-into-force date):

- [Australia-New Zealand \(ANZCERTA or CER\)](#) - 1 January 1983
- [Singapore-Australia \(SAFTA\)](#) - 28 July 2003
- [Australia-United States \(AUSFTA\)](#) - 1 January 2005
- [Thailand-Australia \(TAFTA\)](#) - 1 January 2005
- [Australia-Chile \(ACI-FTA\)](#) - 6 March 2009
- [ASEAN-Australia-New Zealand \(AANZFTA\)](#) - 1 January 2010 for eight countries: Australia, New Zealand, Brunei, Burma, Malaysia, the Philippines, Singapore and Vietnam. For Thailand: 12 March 2010. For Laos: 1 January 2011. For Cambodia: 4 January 2011. For Indonesia: 10 January 2012
- [Malaysia-Australia \(MAFTA\)](#) - 1 January 2013
- [Korea-Australia \(KAFTA\)](#) - 12 December 2014
- [Japan-Australia \(JAEPA\)](#) - 15 January 2015
- [China-Australia \(ChAFTA\)](#) - 20 December 2015
- [Comprehensive and Progressive Agreement for Trans-Pacific Partnership \(CPTPP\)](#) - 30 December 2018
- [Australia-Hong Kong \(A-HKFTA\)](#) and [associated Investment Agreement \(IA\)](#) - 17 January 2020
- [Peru-Australia \(PAFTA\)](#) - 11 February 2020
- [Indonesia- Australia Comprehensive Economic Partnership Agreement \(IA-CEPA\)](#) - 5 July 2020
- [Pacific Agreement on Closer Economic Relations \(PACER\) Plus](#) - 13 December 2020

Australia was a founding member of the [Asian Pacific Economic Cooperation](#) (APEC), established in 1989. APEC has 21 member economies: Australia, Brunei Darussalam, Canada, Chile, People's Republic of China, Hong Kong (China), Indonesia, Japan, Republic of Korea, Malaysia, Mexico, New Zealand, Papua New Guinea, Peru, the Republic of the Philippines, the Russian Federation, Singapore, Chinese Taipei, Thailand, United States of America and Vietnam.

### **FTAs concluded but not yet in force**

The Regional Comprehensive Economic Partnership (RCEP). On 15 November 2020, Ministers from

15 countries signed the Agreement. For more information about RCEP, check the [Regional Comprehensive Economic Partnership \(RCEP\)](#) page.

#### **FTAs under negotiation**

- Australia-European Union Free Trade Agreement
- [Australia-Gulf Cooperation Council \(GCC\) Free Trade Agreement](#)
- [Australia-India Comprehensive Economic Cooperation Agreement](#)
- [Australia-United Kingdom Free Trade Agreement](#)
- [Environmental Goods Agreement](#)
- [Pacific Alliance Free Trade Agreement](#)
- [Trade in Services Agreement](#)

Australia engages with regional and international trade and investment organizations to boost its economy by promoting and protecting trade and investment opportunities.

Furthermore, Australia is a member of the [World Trade Organization \(WTO\)](#) since its founding in 1995, the [G20](#) (since 1999), the [Organisation for Economic Co-operation and Development \(OECD\)](#) since 1971 and a founding member in 1989 of the [Asia Pacific Economic Cooperation \(APEC\)](#), an economic forum of 21 Asia-Pacific economies (Australia, Brunei Darussalam, Canada, Chile, Chinese Taipei, Hong Kong China, Indonesia, Japan, Malaysia, Mexico, New Zealand, Papua New Guinea, People's Republic of China, Peru, Republic of Korea, The Republic of the Philippines, The Russian Federation, Singapore, Thailand, United States of America and Vietnam), which make up over half of global GDP.

## **IMPORT REGULATIONS / NON-TARIFF RESTRICTIONS**

Importers should be aware of Australian government regulations, duty taxes, permits, and quarantine and treatments that apply to imported goods. Imports that do not meet these requirements can be seized by the Australian Border Force.

#### **Tariffs and duties**

Goods you import into Australia require classification under the [Customs Tariff Act 1995](#).

- Importers need to self-assess the correct tariff classification of goods they import. Penalties may apply for incorrect or misleading information.
- The Department of Immigration and Border Protection has a range of information and resources that will assist you to classify goods.
- The tariff advice service provides advice free of charge on goods you intend to import.
- Individuals who are importing goods on a one-off basis can get help from the Department.

Declarations must be made to the Australian Border Force, which also enforces import restrictions. More information about the tariff classification in Australia can be found [here](#).

The standard **VAT** rate in Australia is the [GST](#), a goods and services tax of 10%. It is a broad-based tax, which applies on most goods and services and other items sold or consumed in Australia. These include basic foods, certain medical and healthcare services and some educational courses. On a taxable importation, GST is payable by businesses, organisations and private individuals, whether they are registered for GST or not. However, if you are a GST-registered business or organisation and you import goods as part of your activities, you may be able to claim a GST credit for any GST you pay on those goods. There are many different regulations and sometimes complex duty rates applicable to imported cargo.

The Australian Border Force administers a range of programs to support local industry. One in particular, the [Tariff Concession System \(TCS\)](#) is a long-standing Commonwealth program that is designed to assist manufacturers with tariff protection and to help industry become more internationally competitive. It is one of a range of programs, across Commonwealth and State Government that assist Australian producers. TCS might affect you if you plan to import in to Australia

or you are a manufacturer. The system reduces costs to the general community by allowing duty-free entry goods where there is no local industry that produces those goods. Certain classes of goods including foodstuffs, clothing and passenger motor vehicles are ineligible ('excluded goods').

A Tariff Concession Order (TCO) will be granted on imported goods if substitutable goods are not produced in Australia. Substitutable goods are Australian-made goods, which have a use corresponding to a use of the imported goods. In determining whether substitutable goods are available, the assessment does not consider whether the Australian goods compete with the imported goods in any market. A local manufacturer may object to the making of a TCO and can request an existing TCO be revoked.

Please click for more information about the [TCS](#) and the [TCO](#), as well as the [Tariff Concession System Validations Act 1999](#).

For customs duties, you can also refer to S-GE's modular database: <http://www.s-ge.com/en/customs-database-worldwide-customs-tariffs>.

It is important to note that a Free Trade Agreement (FTA) between two (or more) countries does not mean unconditional duty free importations between the parties. It follows the eligibility criteria for some FTAs. Additionally, for supply chains that rely on alternating or multiple sources of supply, TCOs may be preferred over FTAs for consistent duty mitigation of a particular product, irrespective of its origin.

### **Non-tariff restrictions**

Please consult [https://www.wto.org/english/tratop\\_e/tpr\\_e/tp\\_rep\\_e.htm#bycountry](https://www.wto.org/english/tratop_e/tpr_e/tp_rep_e.htm#bycountry).

### **Quarantine regulations**

As an island country with an important agricultural base and unique biodiversity, Australian quarantine regulations are very strict and the importation of some products is, by law, subject to certain biosecurity import conditions. Non-compliance will attract criminal or administrative sanctions. Therefore, it is strongly recommended that you check the latest regulations before attempting to bring goods into Australia. For more information on biosecurity, please consult the newly launched website of the Australian Government: <https://www.biosecurity.gov.au/> or the website of the Department of Agriculture, Water and the Environment (DAWC) [here](#).

To help protect Australia's unique environment from unwanted pests and diseases, the DAWC regulates products imported into Australia. To this end, you can use the Biosecurity Import Conditions system ([BICON](#)) to determine whether a commodity intended for import into Australia is permitted, subject to import conditions, requires supporting documentation, requires treatment or needs an import permit. BICON houses the Australian Government's Biosecurity import conditions database for more than 20,000 plants, animals, minerals and biological products. For more information about this system, please refer to the DAWC [Importing to Australia](#) page.

Generally, rules of origin are the rules applied to determine from which country a good originates for international trade purposes. Rules of origin are necessary for both preferential reasons such as determining eligibility for benefits such as reduced rates of duty as well as for non-preferential reasons such as the imposition of anti-dumping and countervailing duties (anti-subsidy duties), determining the country of origin and marking purposes.

### **Customs procedures for importing and exporting**

For information on import procedures and regulations, see also the following governmental link: [Importing and your business](#).

First-time or infrequent importers are strongly encouraged to use the services of an International Forwarding Agent and Licensed Customs Broker to clear their goods through customs. See S-GE website Basic Addresses for details or contact the [Trade Point Australia](#), which represents the Swiss trade and investment promotion agency Switzerland Global Enterprise (S-GE), to put you in touch with a specialised service in Australia.

## PRODUCT REGISTRATION AND TECHNICAL STANDARDS

The registration of products depends entirely on the kinds of products you are planning to import into Australia i.e. the industry you are in. For example, importation of medicine is overseen by the Department of Health - [Therapeutic Goods Administration \(TGA\)](#).

Another example are Agricultural and veterinary (*agvet*) chemicals for farming, food production or the chemical industry where registration means that the product can be supplied or sold, and used safely according to the label directions. See the [Australian Pesticides and Veterinary Medicines Authority](#) for further information. Other authorities can be explored on request.

When importing, you may need to label your imported goods in a certain way. This is in addition to the general labelling regulations set out by the *Competition and Consumer Act 2010* (CCA). There are two specific requirements for imported goods that need to be considered:

1. The Commerce (Trade Descriptions) Act 1905 and the Commerce (Imports) Regulations 1940 (CI Regulations) which states that some goods cannot be imported unless they are correctly labelled with the required trade description. To find out whether the goods you are importing need a trade description and the guidelines around them, see the Australian Border Force's information on [labelling requirements](#).
2. The country of origin labelling (CCA) prohibits you from making false or misleading claims about the place of origin of goods. After extensive consultation with industry and consumers, the Australian Government introduced in 2016 a [country of origin food labelling](#) (CoOL) system. The [Australian Competition and Consumer Commission](#) (ACCC) webpage tells you how to use country of origin labelling and the regulations governing the 'Australian Made' logo.

[IP Australia](#) is the Australian Government agency that administers intellectual property (IP) rights and legislation relating to patents, trademarks, designs and plant breeder's rights.

Some further information in this area can be found on the website of the National Measurement Institute ([www.measurement.gov.au](http://www.measurement.gov.au)), which is the Australian Government's national authority on measurement, and also on the website of Standards Australia ([www.standards.org.au](http://www.standards.org.au)), the country's leading independent, non-governmental, not-for-profit standards organisation.

## CURRENCY REGULATIONS AND OTHER TRANSFER RESTRICTIONS

Australia does not restrict the flow of currency into or out of the country. There are, however, cash reporting obligations under the Cash Transaction Reports Act 1988 ([CTRA](#)).

To control tax evasion and money laundering, the Australian Transaction Reports and Analysis Center ([AUSTRAC](#)) must receive reports of international currency transfers of \$10,000 or more. AUSTRAC does not inhibit normal currency transfers associated with international trade.

You can choose to carry currency out of Australia, or into Australia, but you must declare the money if it is \$10,000 or more in Australian dollars, or a foreign currency equivalent.

The Australian dollar is freely convertible. International supply and demand determines exchange rates. Official policy is not to defend any particular exchange rate level. Reserve Bank intervention is minimal and occurs only to curb extreme foreign exchange market volatility. Only authorized foreign exchange dealers, including trading banks and most merchant banks, make foreign exchange transactions. There are no specific restrictions regarding the remittance of profits, dividends, or capital.

Failure to report movements of physical currency is an offence under sections 53 and 55 of the [AML/CTF Act](#). Penalties upon conviction include imprisonment and/or a fine imposed by the court.

The Reserve Bank of Australia ([RBA](#)) is Australia's central bank, whose duty is to contribute to the stability of the currency, full employment, and the economic prosperity and welfare of the Australian people. It does this by conducting monetary policy to meet an agreed medium-term inflation target, working to maintain a strong financial system and efficient payments system, and issuing the nation's banknotes. The RBA provides certain banking services as required to the Australian Government and its agencies, and to a number of overseas central banks and official institutions. Additionally, it manages Australia's gold and foreign exchange reserves.

## COMMERCIAL REGISTER AND OTHER SOURCES OF COMPANY INFORMATION

The Australian Securities and Investments Commission ([ASIC](#)) is Australia's integrated corporate, markets, financial services and consumer credit regulator. ASIC is an independent Australian Government body. It is set up under and administers the Australian Securities and Investments Commission Act 2001 (ASIC Act) and most of its work is carried out under the Corporations Act.

To find information on a company in Australia, ASIC provided an "Organisations and Business Names" search on [ASIC Connect](#). You can search by the company's name or the company's Australian Company Number (ACN).

## LEGAL FORMS OF COMPANIES

Setting up a firm in Australia makes you liable for the local business regulations and complying with laws and tax obligations within scopes of a chosen legal entity. Australia supports a vast variety of legal business formats (entities) which enable an entrepreneur to choose a set of benefits that are crucial for their particular business situation: from setting up a limited liability for small businesses to a prestigious image to saving on taxes.

There are a number of important considerations for investors when deciding on how to enter the Australian market or when establishing a business in Australia. Investors will generally need to choose between establishing a new company, registering as a foreign company or acquiring an existing company.

If establishing a new business, a variety of business structures is available, each with their own regulatory and tax considerations. Businesses may also need to establish their identity through a trademark, online and/or physical presence. Australia has a set of common structures that investors can use when establishing a business. The four main types are sole trader, partnerships, trusts and companies (a proprietary "limited" company or a public company for instance).

Every business entity has its unique risks, costs, tax modes, and liabilities. A foreign entrepreneur who wishes to expand their business to Australia must consider the tax regime of the entity as a foreign business so that he/she is complying with the tax regime. The procedure of setting up a firm down under is fast and easy, and takes a couple of days if the prior basic paperwork is done.

Regardless of the chosen legal entity, all companies in Australia must be registered with the Australian Securities and Investments Commission ([ASIC](#)) in accordance with the [Corporations Act 2001 \(Corporations Act\)](#). For information on how to establish a company in Australia, see ASIC's [guide to registering a company](#).

The [Australian Business Register](#) (ABR) is in charge for applying for an Australian business number (ABN) and stores details about businesses and organisations when they register.

**Trade Point Australia**, which is integrated into the Consulate General of Switzerland in Sydney and represents the Swiss trade and investment promotion agency Switzerland Global Enterprise (S-GE), can assist with setting up a company in Australia by providing you with information or putting you in contact with experts. For Trade Point Australia contact details, please click [here](#).

## **REGULATIONS GOVERNING SALES AGENTS AND COMMERCIAL REPRESENTATIVES**

The Australian Consumer Law (ACL) is a national law that aims to protect consumers and ensure fair trading in Australia. The ACL is part of the [Competition and Consumer Act 2010](#).

The rights and obligations set out in the ACL are aimed at ensuring businesses operate on a level playing field when selling goods and services to consumers. Businesses need to ensure that their sales practices comply with the Act and when they use agents or commercial representatives to assist them in selling their goods or services, they will generally be responsible for the agent's conduct. To avoid inadvertently breaching the ACL, a business should take care to supervise the activities of its agents.

## **ENTRY CONDITIONS FOR STAFF PERFORMING MAINTENANCE OR REPAIR SERVICES**

The responsibility for immigration matters lies with the Department of Home Affairs and only information provided by that office is binding. For more details about entry requirements and visas, including for staff performing maintenance or repair service, please check the website of the [Department of Home Affairs](#) or contact the Australian Embassy in Berlin (<https://germany.embassy.gov.au/>), which is competent for visa services for clients living in Switzerland.

Please note that the Consulate General or the Embassy of Switzerland do not deal with visa matters for Australia.

## **PROTECTION OF INTELLECTUAL PROPERTY**

IP protection in Australia is an important consideration for companies looking to do business in this country. [IP Australia](#) is the agency in charge for IP protection.

Under common law the principal forms of intellectual property protection available in this country are trade-marks, designs, patents, plant breeder's rights and copyright. All of these forms of protection are governed by legislation. The common law also provides remedies against a person passing off goods or services as those of another, as well as protection for confidential information or trade secrets.

Australia is a party to the World Trade Organization's Agreement of Trade-Related Aspects of Intellectual Property Rights, and a signatory to multilateral treaties administered by the World Intellectual Property Organization.

Find out more about Intellectual Property and other ways of protecting your business in Australia on the Website of [Austrade](#) (Australia's leading trade and investment agency).



## PROCEDURES FOR COLLECTING PAYMENT

### Billing

It is preferable to issue an invoice in English and in AUD, but the currency is not an issue. In case of an audit in Australia, the date and the foreign currency amount will be relevant to calculate the AUD amount.

The Australian customer may be subject to the GST (Goods and Services Tax), a broad-based tax of 10% on most goods, services and other items sold or consumed in Australia and also on most imports of goods. GST however is not applied to a service if it is outside Australia and the use of the service is outside Australia. It is also GST free if the recipient of the service is outside of Australia.

For more details regarding dealing with international businesses and GST, please refer to the Australia Taxation Office ATO [here](#).

### Methods of payment settlement

A safe, competitive and efficient payments system is essential to support the day-to-day business of the Australian economy. The Reserve Bank of Australia (RBA) has a mandate to contribute to promoting efficiency and competition in the payments system, and the overall stability of the financial system. The Bank oversees the payments system as a whole, which encompasses a wide variety of individual payment instruments – ranging from cheques and payment cards to high-value corporate payments – and the usually unseen arrangements that ensure the smooth transfer of funds from accounts at one financial institution to another. Here are some payment systems:

- The use of **cash** as a payment method remains widespread by the latest figures in the 2019 Reserve Bank of Australia's [Consumer Payments Survey](#) showed continued substitution away from cash use and towards electronic methods. This trend has further accelerated since the covid-19 pandemic period, during which cash is less and less accepted, or in a limited way.
- **Non-cash payments** account for most of the value of payments in the Australian economy. Around 80 % of the value of non-cash transactions is accounted for by a small number of high-value payments made through Australia's real-time gross settlement (RTGS) system. Most of the value of these payments relates to the settlement of foreign exchange and securities markets transactions.
- The migration of large business payments to the RTGS system saw a decline in the importance of the **cheque** as a payment instrument. A significant share of cheque use is related to commercial payments, and financial institution ('bank') cheques for certain transactions such as property settlements, although the latter have been declining with moves to electronic property settlement.
- In contrast to the declining importance of cheques, the use of **electronic payment instruments** at the retail level has been growing rapidly, especially since the beginning of the covid-19 pandemic.

More details about payments System and other financial policies can be found on the website of the Reserve Bank of Australia [here](#).

### Pursuing unpaid and overdue bills

There are various methods of handling late payers. Most firms start gently by sending a friendly reminder and if this fails, then a formal written demand is sent. If such efforts yield no proper response, it may be time to send a final notice warning that the next step is to charge reasonable interest on the amount owed. However, this is a grey area of the law and one must be careful about doing so, as the client may challenge this in court. Many businesses are reluctant to take this final action for fear of antagonizing a customer. The last resort is passing over the invoice to a debt collection agency or getting solicitors involved to chase payment.

## ENFORCING COMMERCIAL CONTRACTS AND RESOLVING DISPUTES

### Commercial contracts

In simple terms, contracts in Australia are agreements between two or more parties based on the acceptance of an offer. However, for a contract to be legally enforceable, a number of elements must be satisfied:

1. There must have been a clear **offer** from one party ('offeror').
2. The other party ('offeree') must have **accepted** the offer.
3. **Consideration** must have been paid between the offeror and the offeree.
4. There must be evidence of a mutual **intention** from all parties for the agreement to be **legally enforceable**.
5. The terms constituting the agreement must be **certain**.
6. Each party must have had sufficient **capacity** to enter the contractual agreement.

The general rule under Australian law is that only the parties to a contract are bound by its terms and entitled to benefit and enforce the rights granted by it. This is known as the doctrine of privity of contract. Australia does not have legislation to allow third parties to enforce contracts generally.

### Resolving disputes

Your options in resolving a dispute in Australia will depend on the outcome you want. If you want to preserve your business relationship with the other party, it is worth considering the Alternative Dispute Resolution (ADR). If you just want to get your money or finish the contract and move on, it may be better to use a debt collection service, a lawyer or, if necessary, take the matter to court.

The Attorney-General's Department provides advice on ADR issues and policy to Australian Government agencies. You can use ADR to settle disputes without going to court, or you can use it before, during or even after a court process. ADR may help you resolve your dispute before it becomes so big that a court or tribunal gets involved. It usually involves an impartial person, such as a mediator, who helps both sides to discuss and resolve the issues. Courts and tribunals also provide more formal ADR and is often required to be undertaken by the parties before a matter proceeds to a hearing.

For more information on ADR download Your guide to dispute resolution from website of the [Attorney-General's Department](#).

## OVERVIEW OF PUBLIC PROCUREMENT SYSTEM

The Australian Government is committed to building a stronger, more prosperous and resilient economy where Australian businesses can be competitive on a domestic and international level. With this in mind, it is focused on reducing the cost of doing business with the Commonwealth by cutting red tape and enhancing government engagement with business, including small and medium business.

The Commonwealth Procurement Rules (CPRs) are issued by the Minister for Finance (Finance Minister) under section 105B(1) of the Public Governance, Performance and Accountability Act 2013 (PGPA Act).

[Commonwealth Procurement Rules – 14 December 2020](#) are the basic rule set for all Commonwealth procurements and govern the way in which entities undertake their own processes. The CPR reflect the Australian Government's commitment to sustainable procurement practices; emphasize the importance of paying suppliers on time, particularly small businesses.

The Australian Government's procurement information system, [AusTender](#), provides centralized publication of Australian Government business opportunities, annual procurement plans and contracts awarded.

## SOURCES OF INFORMATION AND REFERENCES

All links and sources as quoted in the document. Here a summary of the major ones only:

- Department of Foreign Affairs and Trade (DFAT) - [www.dfat.gov.au/](http://www.dfat.gov.au/)
- Department of Home Affairs (DHA) - [www.homeaffairs.gov.au/](http://www.homeaffairs.gov.au/)
- Australian Trade and Investment Commission (Austrade) - [www.austrade.gov.au/](http://www.austrade.gov.au/)
- Australian Taxation Office (ATO) - [www.ato.gov.au/](http://www.ato.gov.au/)
- Australian Competition & Consumer Commission - [www.accc.gov.au/](http://www.accc.gov.au/)
- Australian Department of Industry, Science, Energy and Resources - [www.industry.gov.au/](http://www.industry.gov.au/)
- National Measurement Institute - [www.measurement.gov.au](http://www.measurement.gov.au)
- Standards Australia - [www.standards.org.au/](http://www.standards.org.au/)
- Australian Government's procurement information system - [AusTender](#)
- Australian Transaction Reports and Analysis Center - [AUSTRAC](#)
- Australia's intellectual property (IP Australia) - <https://www.ipaustralia.gov.au/>
- Australian Securities and Investments Commission (ASIC) - <https://asic.gov.au/>
- Reserve Bank of Australia (RBA) - <https://www.rba.gov.au/>
- Attorney-General's Department - <https://www.ag.gov.au/>

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Author: Mascia Buzzolini, Head of Trade Point Australia

Consulate General of Switzerland in Sydney / Trade Point Australia

Author's address: Level 23, Tower 2  
101 Grafton Street  
Bondi Junction NSW 2022  
Australia  
+61 2 8383 400  
[sydney@eda.admin.ch](mailto:sydney@eda.admin.ch)  
[www.eda.admin.ch/sydney](http://www.eda.admin.ch/sydney)