

GOVERNMENT RESPONSE TO REPORT 48

OF

THE JOINT STANDING COMMITTEE ON TREATIES

Government Response to Report 48 of the Joint Standing Committee on Treaties

Recommendation 1

The Committee recommends that improved departmental procedures be implemented such that the Committee is advised in a timely fashion of International Maritime Organization amendments proposed to take effect through a 'tacit acceptance' procedure.

The evidence provided to the Joint Standing Committee on Treaties on this issue was confined to amendments to conventions coming out of the Legal Committee of the International Maritime Organization (IMO) - it did not refer to conventions coming out of other Committees of IMO. The two resolutions considered by JSCOT, which amend compensation limits in oil pollution compensation damage conventions, were the first amendments by the tacit acceptance procedure made by the Legal Committee.

The Government advises that the processes now in place for any future tacit acceptance amendments arising out of the Legal Committee ensure that those amendments will be tabled in a timely fashion. Officers responsible for arranging for the tabling will be made aware of any amendments adopted by the Legal Committee within good and sufficient time to arrange for tabling of the amendments and subsequent report by JSCOT before the expiry of the time in which Australia may indicate it does not accept the amendments.

Arrangements for advising the Committee of amendments coming out of other IMO Committees are currently being examined jointly by the Department of Transport and Regional Services and the Department of Foreign Affairs and Trade.

Recommendation 5

The Committee recognises that responses to questions on notice and requests to amend the Hansard record must receive security clearance and Ministerial approval prior to their release.

The Committee recommends that the Department of Defence ensures that these measures do not inhibit its ability to provide requested information to the Committee within an acceptable timeframe.

The Government agrees, with qualification, with the recommendation.

The Government is committed to providing timely responses to questions on notice taken during parliamentary committee hearings and to ensuring that any corrections to evidence given by official witnesses are made promptly.

In this instance, however, the Government does not accept the implication in the recommendation that the Department of Defence did not endeavour to provide the information requested by the Committee within an acceptable timeframe. The Government considers that the information requested in relation to access by elected representatives to Defence facilities, specifically the Joint Defence Facility Pine Gap, was beyond the scope of the Agreement under review. The Government was prepared to provide the information, while recognising the time entailed in searching records held at different locations and going back several years, consulting with appropriate authorities in the USA, and obtaining approval for release by the relevant Minister. The Minister for Defence has written separately to the Committee Chair to address matters of concern arising from the Committee's consideration of this Agreement.

The Government is encouraged by the Committee's recognition of the provisions of the *Government Guidelines for Official Witnesses before Parliamentary Committees and Related Matters - November 1989*, in regard to the relevant Minister's approval being sought for an official to attend a committee hearing, or to provide material to it (paragraph 2.7 of the Guidelines refers).

Recommendation 7

The Committee recognises that responses to question on notice must receive Ministerial approval prior to their release.

The Committee recommends that the Department of Foreign Affairs and Trade ensure that these measures do not inhibit its ability to provide requested information to the Committee within an acceptable timeframe.

The Government notes the Committee's recommendation, and in the future will ensure requested information reaches the Committee within an acceptable timeframe. The Government also notes the Department of Foreign Affairs and Trade provided the Committee with its response on 22 October 2002.
