



TT 7 December 04
Submission No:8.....

ATTORNEY-GENERAL
THE HON PHILIP RUDDOCK MP

05/4666

Dr Andrew Southcott MP
Chair
Joint Standing Committee on Treaties
House of Representatives
Parliament House
CANBERRA ACT 2600

Andrew
Dear Dr Southcott

18 JUL 2005

Thank you for your letter dated 2 June 2005 about the answers provided to the Joint Standing Committee on Treaties on the United Nations Convention Against Corruption (UNCAC).

The Minister for Justice and Customs, Senator the Hon Chris Ellison, has responsibility for the ratification and implementation of UNCAC. However, I am able to make some general comments about UNCAC and about my Department's ability to provide information to parliamentary committees.

UNCAC is the first global, binding instrument on corruption. After undertaking a detailed analysis of UNCAC and consulting with the States and Territories, the Australian Government is confident that Australia meets all of UNCAC's mandatory requirements. The early ratification of UNCAC is an opportunity for Australia to reinforce its position in the region as a leader in the fight against corruption.

I have seen the answers that my Department provided to the Committee's questions and consider that they appropriately address the relevant issues. It has been the long standing practice of successive governments not to provide legal advice to Parliament. For this reason, it would be inappropriate for my Department to provide advice about the extent to which ratification of UNCAC impacts on Commonwealth legislative powers other than what has already been outlined in the Department's reply.

I also note that the Department's answer makes it clear that, depending on the exact language used, discretionary treaty language may form the basis of legislation that is a valid exercise of the external affairs power.

Yours sincerely

Philip Ruddock