



Senator the Hon. Joe Ludwig

Minister for Agriculture, Fisheries and Forestry
Senator for Queensland

Chair

Senate Rural and Regional Affairs and Transport Legislation Committee
Parliament House
CANBERRA ACT 2600

Dear Chair

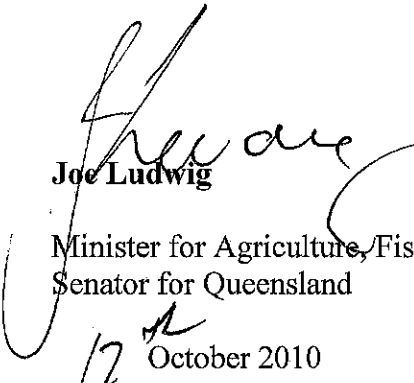
In the May 2010 Estimates hearing of the Senate Rural and Regional Affairs and Transport Legislation Committee, Senator Colbeck sought the release of minutes from meetings that had been held between Australia and New Zealand to try and resolve the WTO Apples dispute bilaterally (TMAD 5). Mr Craig Burns, former Executive Manager, Trade and Market Access Division, Department of Agriculture, Fisheries and Forestry, took the question on notice.

Pursuant to *Order 8 of the Procedural Orders of Continuing Effect* of the Senate I consider it necessary to claim that public interest immunity should apply to those documents and consequently they should not be provided. I make this claim on the basis that the public release of this information would harm the public interest by damaging Australia's international relations.

The negotiations in question between Australia and New Zealand were confidential government-to-government negotiations. Australia, and New Zealand, entered into those negotiations on the basis that the matters discussed would remain confidential. If the substance of those negotiations are made public, the resulting breach of confidentiality may jeopardise future consultations and damage Australia's international standing. The Senate has, in the past, permitted public interest immunity claims where there is a serious risk of prejudice to Australia's international relations.

I am committed to providing the Senate with the information that it seeks provided that this is in circumstances where the public interest is not endangered.

Yours sincerely



Joe Ludwig

Minister for Agriculture, Fisheries and Forestry
Senator for Queensland

12 October 2010