



Our Ref: D1106471

Ms Renae Jewell
Committee Clerk
Standing Committee on Uniform Legislation and Statutes Review
Parliament House
PERTH WA 6000

Dear Ms Jewell

Transcript of Evidence – 7 September 2011 Scrutiny of Treaties Hearing

Thank you for the opportunity to provide evidence to the Standing Committee on Uniform Legislation and Statutes Review (the Committee) on 7 September 2011. We provide the following corrections to the transcript of evidence:

- Page 2, Ms Genoni (1), last paragraph first line should read, 'Holly van der Gaag is the policy officer...' (rather than senior policy officer).
- Page 2, Ms Genoni (1), last paragraph fifth line should read, 'She is supported by senior policy officer, Anita Rudeforth...' (rather than principal policy officer).
- Page 3, Ms Genoni (1), first line should read, '1996' (not 1966).
- Page 9, Ms Genoni (1), sixth line should read, 'They do not draw just on the treaties power' (rather than the committee's power).

The Committee also requested that supplementary information be provided on two points. This is addressed below:

Could you see any obstacle to the department providing a copy of the advice it provides to SCOT and/or to JSCOT to this committee?

The advice that the WA Government provides to the Commonwealth on treaty matters is provided in confidence to Government only. The advice given often relates to policies, programs and legislation which the State Government may be in the process of developing. As such, this information is confidential and it would not be appropriate to circulate this advice outside Government. In turn, the requests received from the Commonwealth Government are generally provided in confidence.

Is there any agreement that you can point to, to base that need for confidentiality?

The official handbook on treaties and the treaty-making process, 'Signed, Sealed and Delivered', produced by the Department of Foreign Affairs and Trade, outlines the confidentiality of the treaty making process between the parties involved. The advice

contained in the handbook incorporates the principles for Commonwealth-State consultation on treaties decided at the Council of Australian Governments meeting in 1996. The handbook states that the negotiation of treaties and the outcome of treaty negotiation processes are matters of confidence between Governments. The information provided to the Commonwealth Government is framed within this confidential process.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lyn Genoni', written in a cursive style.

Lyn Genoni
EXECUTIVE DIRECTOR

A handwritten signature in black ink, appearing to read 'Holly van der Gaag', written in a cursive style.

Holly van der Gaag
POLICY OFFICER

21 SEP 2011