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BY: *Gillian Gould*

THE HON ALEXANDER DOWNER MP

MINISTER FOR FOREIGN AFFAIRS
PARLIAMENT HOUSE
CANBERRA ACT 2600

06 FEB 2004

The Hon Dr Andrew Southcott MP
Chair
Joint Standing Committee on Treaties
Parliament House
CANBERRA ACT 2600

Dear Dr Southcott

I refer to Report 56 of the Joint Standing Committee on Treaties which was presented to Parliament on 1 December 2003. The Report considered five treaty actions tabled on 8 October 2003.

I enclose for your information the Government response to Report 56. The response will be tabled in Parliament as soon as practicable.

Yours sincerely

Alexander Downer

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GOVERNMENT RESPONSE TO

REPORT 56 OF THE

JOINT STANDING COMMITTEE ON TREATIES

Government Response to Report 56 of the Joint Standing Committee on Treaties

Recommendation 2

Where the provision of accurate information on the status of State and Territory legislative compliance cannot be provided at the time of the public hearing, the Committee must be provided with updated evidence as it is available, up until the tabling of the Committee's report.

The Government accepts Recommendation 2.

The Committee's inquiry into ratification of International Labour Organization Convention N° 182: Elimination of the Worst Forms of Child Labour occurred in unusual circumstances, in that Australian law was not fully compliant with the Convention at the time of the inquiry. These circumstances represent an exception to the standard practice under the Government's treaty making policy pursuant to which treaties are not brought before the Committee until all necessary domestic implementing legislation is in place. The Department of Employment and Workplace Relations (DEWR) and the Attorney-General's Department (AGD) presented the Committee with the most accurate information on State and Territory legislative compliance available at time of the public hearing, i.e. 13 October 2003.

Subsequently, the AGD completed a formal review of the compliance of State and Territory legislation (including Western Australia) with the Convention. The review determined that, in addition to New South Wales and Queensland, Western Australia and South Australia also fully complied with the Convention. Formal advice to this effect was issued by the AGD on 26 November 2003 and made available to all States and Territories (including Western Australia) by DEWR the same day.

In relation to any future inquiries by the Committee that may be conducted under similar exceptional circumstances, the Government will endeavour to ensure that the Committee is provided with any updated evidence as it is available following the public hearing, up until the tabling of the Committee's report.
