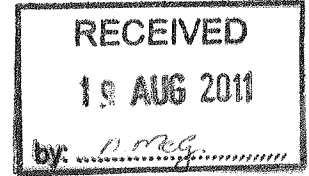


SUPPLEMENTARY SUBMISSION No. 2.1

Inquiry into National Funding Agreements

From: Paul Kildea [p.kildea@unsw.edu.au]
Sent: Friday, 19 August 2011 3:16 PM
To:
Cc: Andrew Lynch
Subject: Follow-up: Access to IGAs on COAG website
Attachments: Saunders - IGAs and executive power.pdf

Follow Up Flag: Follow up
Flag Status: Flagged



Dear

Thanks again for the opportunity to appear at the hearing today – we enjoyed the experience.

Towards the end of our hearing we made the point that the list of 'Current Intergovernmental Agreements' on the COAG website is not complete, and the Committee asked us to provide some examples of IGAs that are missing from that list. In response to that request, here are two examples that we have come across in our own work:

1. **Commonwealth and States and Territories Agreement on Terrorism and Multi-Jurisdictional Crime:** this Agreement was negotiated at COAG on 5 April 2002, but does not appear in the 'Current IGAs' list. I located a copy by clicking on the 'meeting outcomes' link for the meeting of 5 April 2002, then clicking on the 'issues' tab and selecting 'counter-terrorism and multi-jurisdictional crime'. Like many IGAs, therefore, it is publicly available, but not easily found.
2. **Intergovernmental Agreement for a National Workplace Relations System for the Private Sector:** this Agreement is also not listed in the 'Current IGAs' on the COAG website. It was negotiated by the Workplace Relations Ministerial Council on 11 December 2009. Again, it is accessible at the MinCo's website if you know the meeting date, but is otherwise not easily found.

As we noted in our opening statement today, we feel that public access to these agreements would be enhanced by the creation of a central repository of IGAs.

In case it is of interest to the Committee, we attach a 2005 *Public Law Review* article by Professor Cheryl Saunders, in which she makes similar observations about the accessibility of IGAs (see pp 299-300).

Please let us know if we can provide further assistance on this or any other matter.

Kind regards
Paul

Paul Kildea • Director, Federalism Project • Co-Director, Referendums Project • Gilbert + Tobin Centre of Public Law
• Faculty of Law • The University of New South Wales • UNSW Sydney NSW 2052, Australia • **Phone:** +61 (2) 9385 9652 • **Mobile:** 0421 864 109 • **Fax:** +61 (2) 9385 1175 • **Website:** <http://www.law.unsw.edu.au/staff/KildeaP>



This email and any attachment(s) transmitted with it are intended solely for the use of the addressee(s) and may contain information that is confidential or subject to legal privilege. If you receive this email in error, please disregard the contents of the email and attachment(s), delete them and notify the sender immediately. Please note that any copying, distribution or use of this email is prohibited. Any views expressed in this message are those of the individual sender, except where the sender expressly, and with authority, states them to be the view of The University of New South Wales. Before opening any attachments, please check for viruses. UNSW ABN 57 195 873 179. CRICOS Provider No: