




The Hon. Tony Burke MP

Minister for Agriculture, Fisheries and Forestry

Senator Glenn Sterle
Chair
Senate Rural and Regional Affairs and Transport Legislation Committee
Parliament House
CANBERRA ACT 2600

18 DEC 2009


Dear Senator Sterle

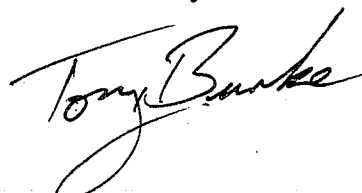
At the October 2009 hearing of the Senate Rural and Regional Affairs and Transport Legislation Committee (the committee), the Secretary of the Department of Agriculture, Fisheries and Forestry took on notice a question from Senator Colbeck about the negotiating position that the Australian Government took to the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) meeting. Senator Colbeck also submitted a written question, part of which requested the same information. I will refer to the questions as SRM 30 and SRM 51 (2) respectively.

I agree with advice from my department that no response to either question should be provided to the committee. The government's negotiating position taken to the CCSBT meeting could prejudice Australia's position in future negotiations and as such a claim may be made to the Committee for public interest immunity. In addition, the position is a decision of the Cabinet.

Paragraph 2.32 of the *Government guidelines for official witnesses before parliamentary committees and related matter—November 1989* sets out the grounds on which ministers may claim public interest immunity in regard to information or documents requested by a Senate committee.

In making this claim I remain committed to providing the committee with as much information as possible. I understand my department has provided the opportunity for the Committee members to be briefed on the outcomes of the CCSBT meeting and arrangements for the coming years for the fishery.

Yours sincerely



Tony Burke