

**GOVERNMENT RESPONSE TO THE HOUSE OF REPRESENTATIVES
STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
REPORT, *REFORMING OUR CONSTITUTION: A ROUNDTABLE DISCUSSION***

The Government welcomes the report of the House of Representatives Legal and Constitutional Affairs Committee on constitutional reform. The report provides useful analysis of a broad range of important constitutional issues facing Australia, many of which were also raised in April 2008 at the Australia 2020 summit in Canberra. The Government response to the ideas raised at the 2020 summit was released on 22 April 2009. As noted in that response, the Government is committed to ongoing reform of our Constitution where appropriate.

The Government supports the Committee's call for active public engagement in debate on constitutional reform. The Government believes public engagement on important constitutional issues such as the recognition of Indigenous Australians and the question of an Australian republic is critical to the reform process. The Government acknowledges the Committee's report as an important contribution to the wider public debate. As noted by the Committee, it will be important that the Government give consideration to the processes by which Australians are engaged in debate about constitutional reform.

The Government will consider all of the issues canvassed in the Committee's report as part of its policy formulation process.

The Committee's single recommendation is that intergovernmental agreements be automatically referred to a parliamentary committee for scrutiny and report to the Parliament.

The Government agrees that there is reason to consider questions of transparency and accountability in relation to intergovernmental agreements. While such agreements may not be legally enforceable, they can be important to a complete understanding of intergovernmental arrangements. There is an argument that Australians should have access to agreements in appropriate cases. The Government will consider these issues as part of its broader consideration of federal arrangements.

The Government does not accept, however, that a one-size-fits-all approach is likely to be appropriate. In particular, the Government is not persuaded that automatic referral of intergovernmental agreements to a parliamentary committee is generally appropriate. Agreements between executive governments are political in nature and necessarily reflect practical compromises. They often involve wide-ranging and continuing negotiation, where flexibility is essential. The Australian Government is ultimately accountable to the Commonwealth Parliament, and through the Parliament to the Australian people, for the agreements it makes.