

Senate Community Affairs Committee
ANSWERS TO ESTIMATES QUESTIONS ON NOTICE
SOCIAL SERVICES PORTFOLIO
2016-2017 Additional Estimates Hearings

Outcome Number: Cross Outcome - Across Programs

Question No: SQ17-000247

Topic: Constitutional Powers & Grants

Hansard page: Written

Senator Louise Pratt asked:

In the additional estimates hearing in 2 March, Ms Bennett referred to case law on the Commonwealth's powers to fund certain activities (page 136 of Hansard). Is the case to which Ms Bennett is referring to *Williams v Commonwealth of Australia* [2012] HCA 23? Is there any other case law the department believes is relevant to the DSS community grant programs?

Answer:

The Department continues to ensure that grants activities conform with relevant legislation and continue to achieve Government policy objectives. This includes continuing to ensure all grants spending is aligned to constitutional heads of power following the outcomes of: *Pape V The Commissioner of Taxation* [2009] HCA 23; *Williams V Commonwealth of Australia* [2012] HCA 23; and *Williams V Commonwealth of Australia* [2014] HCA 23 (Williams No.2).