

**Senate Standing Committee on Education Employment and Workplace
Relations**

**QUESTIONS ON NOTICE
Budget Estimates 2010-2011**

Outcome 2 - Schools

DEEWR Question No. EW0099_11

Senator Mason provided in writing.

Question

BILATERAL AGREEMENT FOR THE BER

Can DEEWR provide a copy of the legal advice sought by the Department in order to answer Senator Mason's question in relation to the Commonwealth's power to seek repayment of monies by the States and Territories under the Bilateral Agreement for the BER?

Answer

The legal advice provided to the department is subject to legal professional privilege. The disclosure of this legal advice could adversely affect the Commonwealth's position in its potential dealings with the States and Territories in respect of the repayment of any monies under the Bilateral Agreements.