

Senate Standing Committee on Economics  
ANSWERS TO QUESTIONS ON NOTICE

**Treasury Portfolio**

**Inquiry into the Corporations Amendment**

**(Improving Outcomes for Litigation Funding Participants) Bill 2021**

2021 - 2022

**Division:** Market Conduct Division  
**Topic:** Advice on constitutionality  
**Reference:** Spoken (17 January 2022)  
**Senator:** Deborah O'Neill

**Question:**

Senator O'NEILL: Of course it seems to me entirely fundamental that we should never legislate if there is any doubt that there is not a head of power under which we are seeking to legislate. Those are absolute basics. If I can go to the nature of the discussion about the constitutionality of the bill that has exercised us already: since the Parliamentary Joint Committee on Corporations and Financial Services has tabled its report, has the Treasury or the Attorney-General's Department sought further advice on the constitutionality of the bill in addition to what it was that you documented in your opening statement?

Mr Dickson: Since you mentioned the Treasury first—

Senator O'NEILL: Thank you, Mr Dickson.

Mr Dickson: I'm not aware of us seeking additional advice, but I can take that on notice. To my knowledge, we haven't sought additional advice.

Senator O'NEILL: You have not?

Mr Dickson: Well, to my knowledge I haven't, but I'd prefer to take it on notice, just to give you absolute surety that that's the case.

**Answer:**

Treasury has not sought further advice on the constitutionality of the Bill.