

Parliamentary Joint Committee on Corporations and Financial Services
CORPORATIONS AMENDMENT (IMPROVING OUTCOMES FOR LITIGATION
FUNDING PARTICIPANTS) BILL 2021

Attorney-General's Department

Hearing date: 12 November 2021

Hansard page: 67

Question type: Spoken

Mr Julian Hill MP asked the following question:

Mr HILL: Yes, so far. We're going round in circles. Did you receive an opinion by the current Solicitor-General in relation to the bill?

Dr Smrdel: We have.

Mr HILL: On the constitutionality of the bill? It's not a trick question.

Dr Smrdel: I understand. We did.

Mr HILL: So you're assuring us that the current Solicitor-General has signed off on the constitutionality of this bill?

Dr Smrdel: Correct.

Mr HILL: When was it obtained, and who obtained it? Did you commission it?

Dr Smrdel: We'd need to take that on notice.

The response to the Member's question is as follows:

The Government is confident in the constitutionality of the Bill.

It is a standard practice in the legislative process for the Government to seek advice on the constitutionality of a Bill.

The Attorney-General's Department sought legal advice from the Solicitor-General on 21 September 2021. This advice was received on 26 October 2021.

In accordance with the long-standing practice of successive Australian governments, it is against the public interest to disclose confidential legal advice. It is in the public interest that Government can engage fully and frankly with its legal advisers and access such advice confidentially, which as a practical matter is critical to the development of sound Commonwealth policy and robust law-making.