

Senate Economics Legislation Committee
**CORPORATIONS AMENDMENT (IMPROVING OUTCOMES FOR LITIGATION
FUNDING PARTICIPANTS) BILL 2021**

Attorney-General's Department

Question date: 09 December 2021

Question type: Written

The Committee asked the following question:

Please advise the head or heads of power that the Corporations Amendment (Improving Outcomes for Litigation Funding Participants) Bill 2021 relies on.

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

The Government, in accordance with standard practice, has sought legal advice on the constitutionality of this Bill. The Government is confident in the constitutionality of this Bill.

In accordance with the longstanding practice of successive Australian governments, it is against the public interest to disclose confidential legal advice. This is so that the 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. Consistent with this approach, the Attorney-General claimed public interest immunity over legal advices in relation to this Bill, in response to an earlier order for production of documents by the Parliamentary Joint Committee on Corporations and Financial Services.

The department is therefore not in a position to disclose the head or heads of power this Bill relies on.