

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Additional Estimates 23-27 February 2015

Prime Minister and Cabinet Portfolio

Department/Agency: Department of the Prime Minister and Cabinet
Outcome/Program: Outcome 2: Indigenous
Topic: Aboriginal Medical Service

Senator: Senator Rachel Siewert

Question reference number: 102

Type of question: Written

Date set by the committee for the return of answer: 10 April 2015

Number of pages: 1

Question:

1. With regard to the Funding Agreement for all the Department's funded not-for-profit Aboriginal Medical Services (AMSs) how can any of the Department's Funding Agreements be legally binding considering the High Court of Australia *Koompahtoo Local Aboriginal Land Council V Sanpine Pty Limited* decision?
2. Has the Department ever been approached by anyone (including any Community/Board Members, and or Members of Parliament) and or any Aboriginal Medical Service with regard to any possible class actions regarding the Department's Funding Agreements? If so, please provide full details.

Answer:

1. The Department considers its funding agreements are binding, notwithstanding the High Court's decision in *Koompahtoo Local Aboriginal Land Council v Sanpine Pty Limited* [2007] HCA 61.
2. The Department has not been approached by anyone regarding possible class actions in respect of funding agreements with any Aboriginal Medical Service.