

**Senate Finance and Public Administration Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
**BUDGET ESTIMATES 2014-15**

Finance Portfolio

**Department/Agency:** Finance  
**Outcome/Program:** 2/2.3  
**Topic:** Time points

**Senator:** Xenophon  
**Question reference number:** F53  
**Type of question:** Hansard, F&PA Committee, Page 41, 29 May 2014  
**Date set by the committee for the return of answer:** Friday, 11 July 2014

**Number of pages:** 1

**Question:**

**Senator XENOPHON:** But taking the time point can be a very expensive process in litigation, having litigated some time points in the past. Are you still taking the time point?

**Mr Antich:** Well, we are obliged to under the legal services directions, unless we get the consent of the Attorney-General not to. So that is the starting point.

**Senator XENOPHON:** And the starting point has not been forthcoming?

**Mr Antich:** Well, I do not know that we have sought it for every case or as a general proposition.

**Senator XENOPHON:** Thank you.

**Mr Antich:** I might take that on notice.

**Answer:**

Under the Legal Services Directions 2005 (LSDs), the Department of Finance (Finance) is required to plead a limitation defence in legal liability matters, unless permission has been received from the Attorney-General not to do so. Finance has not pursued a general waiver of the statute of limitations for Cornwell-type claims, as it is inconsistent with the policy embodied in the LSDs.