

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Group: 2

Program: 1.1

Question No. AE15/034

Senator Dastyari asked the following written question from the 24 February and 27 March 2015 hearings:

1. What is the process for the government to obtain advice from the Attorney-General's Department for infrastructure funding programs?
2. Does the government come to the Attorney General with different infrastructure projects and then ask for advice on how to get them through the parliament?
3. Has the Attorney-General's Department provided any such advice?

The answer to the honourable senator's questions are as follows:

1. The formulation of government programmes often involves many complex issues and is routinely undertaken having regard to a range of constitutional and other legal considerations. Constitutional advice, where necessary, is generally provided by the Australian Government Solicitor. There is no particular process for the government to obtain legal advice from the Attorney-General's Department 'for infrastructure funding programs'.
- 2 – 3. Questions as to whether legal advice has been sought should be directed to the agency that may have sought the advice.