

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
BUDGET ESTIMATES 2017

1.1 AGD Operating Expenses - Civil Justice and Legal Services

Question No. BE17-070

Senator Watt asked the following question on 25 May 2017:

Senator WATT: Has the commissioner undertaken any analysis of the government's announcement to drug-test Centrelink recipients, and whether that would potentially breach the Disability Discrimination Act?

Mr McEwen: I am not aware of any such inquiry, and I might ask the department to also respond.

Senator WATT: Has the department been asked to provide advice on whether that proposal potentially breaches the act?

Mr Walter: We would not be asked for advice, in that sense, in terms of a legal opinion. We were aware of the proposal and there has been some consultation on the proposal.

Senator WATT: Why would you not be asked for advice on whether a government proposal was legal?

Mr Walter: In that case, you would either go to your internal legal adviser—my area, which is a policy area—

Senator WATT: You are the policy area.

Mr Walter: We are the policy area; we have not been asked for our legal opinion. We have been consulted on the proposal.

Senator WATT: When did that occur?

Mr Walter: We would have seen the proposal through the normal processes that go on for any decision related to government—say, cabinet processes. Also, I think we had some consultation on in the last few weeks. I would have to check the exact dates.

Senator WATT: Can you take that on notice and advise us exactly of the dates that you were consulted?

Senator WONG: Post the budget as well.

The response to the honourable Senator's question is as follows:

The Department of Social Services consulted with the Attorney-General's Department on its proposed trial of random drug testing of new welfare recipients on the following dates:

- 9 February 2017
- 7 March 2017
- 14 March 2017
- 15 March 2017
- 27 March 2017
- 10 April 2017
- 4 May 2017 – 14 June 2017