

EDUCATION, SCIENCE AND TRAINING

SENATE LEGISLATION COMMITTEE - QUESTIONS ON NOTICE 2003-04 ADDITIONAL ESTIMATES HEARING

Outcome: 3
Output Group: 3.1

DEST Question No. E807_04

Senator Carr asked on 20 February 2004, EWRE Hansard page 31

Question:

Perhaps I can ask you this: when was the last time a university sought to sue the Commonwealth over its allocative programs?

Answer:

Universities suing the Commonwealth

Any litigation instituted by universities against the Commonwealth with respect to funding matters would be within the portfolio responsibilities of the Department of Education, Science and Training (including its predecessor agencies).

The Department has an electronic database system called the "Legal Request System", which records all litigation matters for which the Department has responsibility on behalf of the Commonwealth.

The Legal Request System was established in July 1999. Searches undertaken of the database indicate that since July 1999 the only litigation matter whereby a university has instituted legal proceedings against the Commonwealth with respect to funding has been the current litigation instituted in the Federal Court of Australia by the University of Melbourne challenging Minister Nelson's 2003 Research Training Scheme funding decision (matter number VG262 of 2003).