

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

**Program 1.5**

**Question No. 73**

**Senator Xenophon asked the following question at the hearing on 22 February 2011:**

**Senator XENOPHON**—You may wish to take this on notice: in how many other cases has test case funding been denied for similar reasons?

**Ms Jones**—I will have to take that on notice. It does relate to a specific provision in the Indigenous test case scheme guidelines that provide for that. But, as Mr Wilkins has indicated, we had indicated to the Cape York Land Council that they could reapply at any point if the circumstances changed.

**Senator XENOPHON**—Can I suggest to you that there probably have not been any similar rejections in recent years.

**Mr Wilkins**—I do not know, but we can look into that.

**The answer to the honourable senator's question is as follows:**

The Department has been responsible for the administration of the Indigenous test case funding sub-program since July 2004. To date, seven applications for Indigenous test case funding have been declined. Of these, three were declined on the basis that they raised a question already under public discussion by Commonwealth or State or Territory Governments with a view to policy reform. This includes the Cape York Land Council's application.