

Parliamentary Joint Committee on Corporations and Financial Services
CORPORATIONS AMENDMENT (IMPROVING OUTCOMES FOR LITIGATION
FUNDING PARTICIPANTS) BILL 2021

Attorney-General's Department

Hearing date: 12 November 2021

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Question type: Spoken

Senator Deborah O'Neill asked the following question:

Senator O'NEILL: Is having constitutionality questioned at the last moment before the legislation lands common or uncommon?

Dr Smrdel: I can't speak for legislation that's been advanced by other areas of the department. In terms of commonality, I'll have to take that on notice.

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

It is a standard practice in the legislative process for the Government to seek advice on the constitutionality of a Bill.

Opponents of proposed legislation may raise objections to that legislation, including questioning constitutionality, at any stage of the Parliamentary process. The department cannot advise how often that occurs, noting that legislative proposals may be brought forward in any portfolio.