

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

Program: 1.1 AGD Operating Expenses - Civil Justice and Legal Services

Question No. AE17/133

Senator Pratt asked the following question at the hearing on 24 March 2017:

Senator PRATT: So the Department of Finance was attached to that request. Was there any minister also associated with that request as far as you are aware?

Mr Anderson: I believe it was the Department of Finance that approached us.

Senator WATT: Have you considered the legal or constitutional validity of any postal plebiscite?

Mr Anderson: We have not independently turned our mind to those issues.

Senator WATT: When you say 'independently', do you mean you also have not done so at the request of any minister or agency?

Mr Anderson: The question is to what questions we have been asked by the Department of Finance; things that they have consulted us on—matters that should be directed to the Department of Finance, who are responsible for the Electoral Commission.

Senator WATT: Are you saying that because it involves legal advice—are we running the whole 'We can't tell you about legal advice we've given to other people' line again?

Mr Anderson: Because we do not administer the electoral legislation, the electoral mechanisms, we are not in a position to say whether there are reasons why information should or should not be provided. That is why we think that questions should be directed to the appropriate agency, which is the one that actually owns these issues.

Senator WATT: We can have a separate debate about whether you should be advising the committee about legal advice. But leaving that aside, if we are talking about advice other than legal advice, we can ask your agency about advice that it has provided.

Mr Anderson: Part of the consultation has been to seek legal advice from us.

Senator PRATT: On what date were you asked by the Department of Finance for that advice?

Mr Anderson: I would have to take that on notice.

Senator PRATT: And also if you have been asked to provide legal advice to the Department of Finance.

Mr Anderson: Yes.

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

The Government does not comment on the fact or content of legal advice.