

**Senate Finance and Public Administration Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates 13-16 Feb 2012

Prime Minister and Cabinet Portfolio

**Department/Agency:** Department of the Prime Minister and Cabinet

**Outcome/Program:** 1.1.1 Domestic Policy

**Topic:** Poker machine reform - Wilkie agreement - Constitutional advice timelines

**Senator:** Senator Abetz

**Question reference number:** 20

**Type of Question:** FPA, P73, 13 February

**Date set by the committee for the return of answer:** 30 March 2012

**Number of pages:** 1

**Question:**

Senator ABETZ: So on 1 February 2011 there was still no hint or assertion that Ms Gillard could not live up to her promise to the Independent member for Denison.

Ms Cross: This was advice as to whether they had the Constitutional powers, and the press release confirmed the advice that they did have the Constitutional powers to legislate.

Senator ABETZ: "And prospects for successfully legislating in this area". So that dealt with the constitutional issues. Did it deal with the time lines at all?

Ms Cross: Not that I recall, but we can check that. I think it was largely about the powers that the Commonwealth could draw on to legislate.

**Answer:**

The legal advice to the Government from the Australian Government Solicitor dealt with the Commonwealth's Constitutional power to legislate measures to address problem gambling. It did not address the timelines for implementation.

The legal advice is available on the FaHCSIA website at

[http://www.jennymacklin.fahcsia.gov.au/mediareleases/2011/Documents/Legal\\_advice.pdf](http://www.jennymacklin.fahcsia.gov.au/mediareleases/2011/Documents/Legal_advice.pdf).