

Standing Committee on Finance and Public Administration

ANSWER TO QUESTION ON NOTICE

**Budget Estimates Hearing – May 2008
Department of Finance and Deregulation
Finance and Deregulation Portfolio**



Outcome 1, Output 1.2

Topic: Building Australia Fund, Education Investment Fund and Health and Hospitals Fund

Question reference number: F57a

Type of Question: Written

Date set by the committee for the return of answer: 11 July 2008

Number of Pages: 1

Senator Cormann asked:

Referring to reported comments by Senior Law lecturer Bryan Pape in the Adelaide Advertiser of 23 May 2008 stating that under sections 81 and 94 of our Constitution surplus revenue collected by the Commonwealth and not appropriated for the purposes of the Commonwealth has to be paid to the States I ask:

Has the Government sought legal advice to provide assurance on the status of surplus revenues directed into the above three funds in as far as they relate to non-Commonwealth purposes and if not, why not?

Answer:

The legislation will be finalised in the light of legal advice on relevant matters including sections 81 and 94 of the Constitution.

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**Budget Estimates Hearing – May 2008
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Outcome 1, Output 1.2

Topic: Building Australia Fund, Education Investment Fund and Health and Hospitals Fund

Question reference number: F57b

Type of Question: Written

Date set by the committee for the return of answer: 11 July 2008

Number of Pages: 1

Senator Cormann asked:

Will the government seek such advice before finalising the establishment of those funds by January 2009?

Answer:

The legislation will be finalised in the light of legal advice.

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ANSWER TO QUESTION ON NOTICE

**Budget Estimates Hearing – May 2008
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Outcome 1, Output 1.2

Topic: Building Australia Fund, Education Investment Fund and Health and Hospitals Fund

Question reference number: F57c

Type of Question: Written

Date set by the committee for the return of answer: 11 July 2008

Number of Pages: 1

Senator Cormann asked:

Is the Government confident that the establishment of those three funds is consistent with the requirements of sections 81 and 94 of the Constitution?

Answer:

Legislation will be drafted in the light of legal advice on the requirements of the Constitution.

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ANSWER TO QUESTION ON NOTICE

**Budget Estimates Hearing – May 2008
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Outcome 1, Output 1.2

Topic: Building Australia Fund, Education Investment Fund and Health and Hospitals Fund

Question reference number: F57d

Type of Question: Written

Date set by the committee for the return of answer: 11 July 2008

Number of Pages: 1

Senator Cormann asked:

If the funds are surplus and for non-Commonwealth purposes, when will the Government pay the funds to the States for the States to allocate for their purposes as they see fit?

Answer:

The Funds will be established in the light of legal advice on the requirements of the Constitution.