

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
BUDGET ESTIMATES 2012-2013

Finance and Deregulation Portfolio

Department/Agency: Department of Finance and Deregulation

Outcome/Program: 1/1.1

Topic: Spending of Commonwealth monies under the Constitution

Senator: Cormann

Question reference number: F14

Type of question: Hansard, F&PA Committee, page 53, 23 May 2012

Date set by the committee for the return of answer: Friday, 6 July 2012

Number of pages: 1

Question:

Senator CORMANN: If I could ask this on notice: since the decision of the High Court in the case involving the Commonwealth and Mr Brian Pape the instances where Commonwealth expenditure was subject to advice on whether or not it would be consistent with the requirements of the Constitution. If you could provide me a list of instances where expenditure was reviewed from that perspective I would really appreciate it.

Answer:

Constitutional questions and considerations routinely arise in the development of Commonwealth programs, including programs which involve spending. The various judgments, including *Pape v Commissioner of Taxation* (2009) 238 CLR 1, form part of a larger body of constitutional law which is taken into account where relevant. The constitutional validity of expenditure proposals is therefore routinely considered.