

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

Program 1.3

Question No. 72

Senator Boyce asked the following question at the hearing on 18 October 2011:

The government is increasingly using regulations – law that is subordinate to Acts passed by Parliament - to usurp Acts of Parliament. As the federal department responsible for Commonwealth law, are you alarmed that the increasing trend of using regulations is undermining Australia's legal system and this erosion is setting a dangerous precedent?

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

The Senate's Standing Orders on Parliamentary Privilege, Resolutions agreed to by the Senate on 25 February 1988, rule 1.16, provides that an officer of a department of the Commonwealth or of a State shall not be asked to give opinions on matters of policy. On this basis, it is not appropriate for the Attorney-General's Department to answer this question.