

Select Committee on COVID-19

Australian Government's response to the COVID-19 pandemic

Attorney-General's Department

Hearing date: 11 August 2020

Question type: Spoken

Hansard page: 28

Senator Gallagher asked the following question:

CHAIR: How much has the case cost taxpayers?

Ms Foster: I don't have that detail.

CHAIR: Could you take that on notice please?

Ms Foster: It may be a better question for Attorney-General's.

CHAIR: You can refer it to them. We haven't had them before us for a while. I'm sure there will be more questions on that. Senator Davey, I understand you have some questions.

Senator Siewert, I'll see if I can squeeze you in at the end of Senator Davey.

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

The Attorney-General's Department notes on 25 August 2020, the Federal Court of Australia handed down judgment in relation to the factual matters remitted to it by the High Court of Australia, and in relation to issues considered at a case management hearing on 7 August 2020.

The Federal Court ordered that the costs of the hearing on the remitted factual issues be reserved to the High Court (*Palmer v State of Western Australia (No.4)* [2020] FCA 1221).

The Federal Court ordered the Commonwealth to pay the parties' costs of the hearing on 7 August 2020 (*Palmer v State of Western Australia (No.3)* [2020] FCA 1220).

As this proceeding (*Palmer v Western Australia* (High Court No B26/2020) is ongoing, it would not be appropriate at this stage to disclose details of actual or estimated expenditure on legal costs for this case. Disclosure may prejudice the Commonwealth's position in handling costs claims.