

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

Program: 1.3 Australian Government Solicitor

Question No. SBE16/127

Senator Watt asked the following question at the hearing on 12 December 2016:

Mr Kingston: I have recently been appointed as the Australian Government Solicitor and this is my colleague Matthew Blunn.

Senator WATT: Thank you both for joining us. I appreciate you have only very recently been appointed to that role, so you may require some assistance with these questions. I do not know whether, in that case, these are questions for Mr Moraitis or yourself. Senator Brandis's explanation as to why he would not comply with the original FOI application was his concern that it would interfere with his daily duties and take hundreds of hours to process and the costs to taxpayers that would have arisen from that. Have either of you or your agencies compiled a breakdown of the cost that has been incurred in defending this action?

Mr Moraitis: I will defer to the AGS because we keep these processes distinct.

Mr Kingston: We will take that question on notice.

Senator WATT: Okay. You do not have that information to hand?

Mr Kingston: There would be two questions. Firstly, I do not know if we have it to hand. Secondly, it is a matter that we would normally refer to the client we have charged the cost to rather than taking it upon ourselves to disclose that.

Senator WATT: So are you claiming some form of public interest immunity?

Mr Kingston: It is at least something we wish to discuss with the client which is one reason I would like to take the question on notice.

Senator WATT: It is obviously entirely appropriate at this estimates proceeding to ask questions around the expenditure of departmental funds, which is what has occurred in defending this litigation.

CHAIR: It has, and you have an answer to it.

Senator WATT: Are you going to take that on notice?

Mr Kingston: Yes.

Senator WATT: In doing so, could you also provide a rough indication of how many hours public servants have devoted to processing this freedom of information request and in assisting with Senator Brandis's defence of this litigation?

Mr Kingston: Lawyers at AGS will not have been processing the request. In relation to legal work that is done, my answer would be the same as the one I gave—

Senator WATT: You will take it on notice?

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

1. As the matter is ongoing, the question of costs has not been finalised.
2. See answer to question 1.
3. The FOI request was made of the Attorney-General under the *Freedom of Information Act 1982*. Accordingly, the Office of the Attorney-General is responsible for processing the FOI request, not members of the Australian Public Service.