

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

Program: 1.1 AGD Operating Expenses - Civil Justice and Legal Services

Question No. SBE16/130

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

Questions for the department

1. On how many occasions has the department paid for the services of private barristers from 18 October 2015 to today? How does that compare to the previous 12 months?
2. What is the total cost of those private briefs? How does that compare to the previous 12 months?
3. On how many occasions has David Bennett QC received a brief from the Department? What was the total cost of those briefs?
4. On how many occasions has David Jackson QC received a brief from the Department? What was the total cost of those briefs?
5. Can the Department provide names of all counsel briefed by the Commonwealth from 18 October 2015 to today? And the amounts paid to each of those counsel?
6. When did the Commonwealth cease the previous practice of publishing these names and amounts online?

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

1. This data is compiled on a financial year basis.

For the financial year ended 30 June 2016, the department paid for the services of private barristers a total of 206 times.

For the financial year ended 30 June 2015, the department paid for the services of private barristers a total of 156 times.

2. This data is compiled on a financial year basis.

For the financial year ended 30 June 2016, the department paid \$6,009,713.79 for the services of private barristers.

For the financial year ended 30 June 2015, the department paid \$6,910,799.09 for the services of private barristers.

3. It is not possible to provide a response as records for previous years may not be accessible or searchable. Mr Bennett QC was Solicitor-General of the Commonwealth from 1998 to 2008 and it would be reasonable to expect that several briefs were provided by the department over that period. The department does not report on amounts paid to individual counsel.

4. It is not possible to provide a response as records for previous years may not be accessible or searchable. The department does not report on amounts paid to individual counsel.

5. This data is not compiled by the department.

6. The department is unaware that this material has ever been published online. Publication of total fees paid to counsel in the Attorney-General's Department Annual Report last occurred in 1992-93. Amounts paid to particular counsel are now generally treated as commercial-in-confidence. Procurements of \$10,000 or more are required to be reported on Austender but reports will generally not identify the name of the counsel or the matter.