

SENATE QUESTION

QUESTION NUMBER: 3895

Murray Watt asked the following question, upon notice, on 12 July 2021.

With respect to the High Court legal challenges to Queensland and Western Australia's border closures and noting the Minister's (non-) responses to the questions contained in questions on notice numbers 2302, 2303, 2446, 2825, 2826 and 3345 (and noting, in particular, that it has been over eight months since the High Court pronounced its orders in respect of *Palmer & Anor v The State of Western Australia & Anor*) :

1. What was the total cost to the Commonwealth of its participation in the High Court challenge in respect of Queensland's border closure, *Mineralogy Pty Ltd v Queensland*, High Court No B29/2020, and *Travel Essence Pty Ltd v Young*, High Court No S87/2020.
2. Specifically:
 - a. what was the total cost to the Commonwealth of the legal services provided by the Australian Government Solicitor in relation to this matter;
 - b. what was the total cost of legal services provided by counsel to the Commonwealth in relation to this matter;
 - c. what was the total cost to the Commonwealth of experts in relation to this matter;
 - d. what was the total cost to the Commonwealth of travel in relation to this matter;
 - e. what was the total cost to the Commonwealth of accommodation in relation to this matter; and
 - f. what was the total cost to the Commonwealth of food and beverages in relation to this matter.
3. How many hours did the Australian Government Solicitor spend working for the Commonwealth on this matter.
4. Please provide copies of all receipts for any food or beverages consumed by people who worked for the Commonwealth on these matters.
5. Separately, what was the total cost to the Commonwealth of its participation in Mr Palmer's challenge in respect of Western Australia's border closure (*Clive Frederick Palmer & Anor v State of Western Australia & Anor*) .
6. Specifically:
 - a. what was the total cost to the Commonwealth of the legal services provided by the Australian Government Solicitor in relation to this matter;
 - b. what was the total cost of legal services provided by counsel to the Commonwealth in relation to this matter;
 - c. what was the total cost to the Commonwealth of experts in relation to this matter;
 - d. what was the total cost to the Commonwealth of travel in relation to this matter;
 - e. what was the total cost to the Commonwealth of accommodation in relation to this matter; and
 - f. what was the total cost to the Commonwealth of food and beverages in relation to this matter.
7. How many hours did the Australian Government Solicitor spend working for the Commonwealth on this matter.
8. What were the parties' costs of and incidental to the directions hearing before the Federal Court on 7 August 2020, which the Commonwealth was ordered to pay.
9. Please provide copies of all receipts for any food or beverages consumed by people who worked for the Commonwealth on this matter.

Senator the Hon Michaelia Cash has provided the following answer to the senator's question:

1. It is not possible to provide a figure of the total costs for *Mineralogy Pty Ltd v Queensland* and *Travel Essence Pty Ltd v Young* separate from *Palmer v Western Australia* because AGS lawyers and counsel worked concurrently on these proceedings until 17 July 2020, when consents by the parties to discontinue *Mineralogy Pty Ltd v Queensland* and *Travel Essence Pty Ltd v Young* were filed.

The total cost of the Attorney-General's intervention in all 3 border closure challenges – *Palmer v Western Australia* (High Court No B26/2020), *Mineralogy Pty Ltd v Queensland* (High Court No B29/2020), and *Travel Essence Pty Ltd v Young* (High Court No S87/2020) – to **close of business (COB) 21 July 2021 is \$1,056,324 (mostly excluding GST)** rounded up as indicated in the answers to questions below. This figure comprises Australian Government Solicitor (AGS) fees and disbursements, counsel fees and disbursements, expert witness fees, travel and accommodation costs for the legal team, and food and beverages as detailed at **2 a, b, c, d, e** and **f** below, and other parties' costs paid by the Attorney-General as detailed at **8** below.

2a. The total cost to the Commonwealth of legal services provided by the Australian Government Solicitor in all 3 border closure challenges – *Palmer v Western Australia* (High Court No B26/2020), *Mineralogy Pty Ltd v Queensland* (High Court No B29/2020), and *Travel Essence Pty Ltd v Young* (High Court No S87/2020) – to **COB 21 July 2021** is **\$771,685 (excluding GST)** rounded up to the nearest \$5. That amount comprises solicitor fees and matter related disbursements (excluding counsel fees, expert witness fees and other parties’ costs paid by the Attorney-General).

2b. The total cost for external counsel’s fees with respect to *Palmer v Western Australia*, *Mineralogy v Queensland* and *Travel Essence v Young* cases to **COB 21 July 2021** is **\$138,975 (excluding GST)** rounded up to the nearest \$5.

As noted above, counsel worked concurrently on the 3 border challenges, and it is not possible to differentiate in counsel’s fees between the three proceedings prior to 17 July 2020. A significant proportion of this amount was for work done on *Palmer v Western Australia*, due to the other two matters discontinuing from 17 July 2020.

This does not include any amount for work done by the Solicitor-General, who does not bill for his or her work.

2c. \$0 for the *Mineralogy* and *Travel Essence* proceedings. The final cost of experts for the *Palmer* proceeding is **\$66,805 (excluding GST)** rounded up to the nearest \$5.

2d. \$0 for the *Mineralogy* and *Travel Essence* proceedings. The total cost to the Commonwealth of travel in relation to the *Palmer* proceeding is approximately **\$5,000 (mostly excluding GST)**, rounded up to the nearest thousand due to difficulty in providing an accurate total, primarily being travel arising from the fact the trial in the remitted part of the matter was heard in Brisbane.

2e. \$0 for the *Mineralogy* and *Travel Essence* proceedings. The total cost of accommodation to the Commonwealth in relation to the *Palmer* proceeding is **\$7,430 (including GST)**, rounded up to the nearest \$5, resulting from the trial in the remitted part of the matter being heard in Brisbane.

2f. \$0 for the *Mineralogy* and *Travel Essence* proceedings. In relation to the *Palmer* proceeding, AGS lawyers, and a member of the Solicitor-General’s staff, were provided a travel allowance to cover the reasonable cost of meals and incidental expenses, in accordance with the Attorney-General’s Department’s Enterprise Agreement.

Counsel was provided an allowance to cover the reasonable cost of meals and incidental expenses associated with travel for the hearing.

A working lunch (comprising sandwiches, fruit and beverages) was provided for 6 people each day of hearing in the Federal Court in *Palmer*. The total cost of the working lunches for 4 days was **\$530 (excluding GST)** rounded up to the nearest \$5.

3. From **25 May 2020 to COB 21 July 2021**, AGS charged for **2445** hours working on *Palmer v Western Australia*, *Mineralogy Pty Ltd v Queensland* and *Travel Essence Pty Ltd v Young*.

4. Receipts for food or beverages consumed by people who worked for the Commonwealth on *Palmer v Western Australia* are at Attachments A – C. No food or beverages were provided by the Commonwealth for the purposes of *Mineralogy Pty Ltd v Queensland* or *Travel Essence Pty Ltd v Young*.

5. See above answer to question 1.

6. See above answer to question 2.

7. See above answer to question 3.

8. The total costs that the Commonwealth was ordered to pay of other parties of and incidental to the directions hearing before the Federal Court on 7 August 2020 are: \$65,899.00. Costs have been paid to:

- the Plaintiffs in the sum of \$40,995 in full and final settlement of their entitlement to costs of and incidental to the hearing on 7 August 2020; and
- the First and Second Respondents in the sum of \$22,000 as full and final settlement of its entitlement to costs of and incidental to the hearing on 7 August 2020;
- the Attorney-General for the State of Queensland in the sum of \$2,904 in full and final satisfaction of its claim for costs of and incidental to the hearing on 7 August 2020.

9. See above answer to question 4.



TAX INVOICE
ABN: 53 133 998 384
Tax Invoice Number:135

CATERING DETAILS

Client: AUSTRALIAN GOVERNMENT SOLICITOR

Contact Person: JESSICA MOORMAN

Date: 28/7/20

CATERING PACKAGE

MONDAY , TUESDAY , WEDNESDAY , FRIDAY

4 DAYS CATERING @ \$128.00 PER DAY

(INCLUDE 6 BOTTLES OF WATER PER DAY)

GRAND TOTAL: \$512.00 (INC \$46.54 GST)

Please make payment WITHIN 7 DAYS to Sage on Ann via Direct Deposit to the following account:

Account Name: Barmill Pty Ltd

BSB Number: 014 - 010

Account Number: 471 436 396

Or, to pay by credit card, please phone Jamie at Sage on Ann on 3221 4471

Thank you!

Jamie

THE BENCH
ABN:89 835 163 032
30 TANK ST BRISBANE, QLD
PH: 07 3236 2636

GST I	3.80
GST I	3.80
GST I	4.30
GST I	4.30
GST I	3.80
GST I	3.80
SUB-TTL	23.80
ITEM CT	6
GST	2.16
VAT	2.16
TOTAL	23.80
CASH TD	50.00
CHANGE	26.20

28-07-2020 13:12
CLERK06 0199
TAX INVOICE

THE BENCH
ABN:89 835 163 032
30 TANK ST BRISBANE, QLD
PH: 07 3236 2636

GST I	3.80
GST I	3.80
GST I	3.80
GST I	3.80
GST I	4.30
GST I	4.30
SUB-TTL	23.80
ITEM CT	6
GST	2.16
VAT	2.16

CASH 23.80
27-07-2020 13:04
CLERK06 0187
TAX INVOICE

THE BENCH

ABN: 89 835 163 032

30 TANK ST BRISBANE, QLD

PH: 07 3236 2636

GST I	19.50
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ITEM CT	1
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GST	1.77
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VAT	1.77
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CASH	19.50
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31-07-2020 12:59

CLERK06 0212

TAX INVOICE