

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

Program: 1.1

Question No. AE16/031

Senator Simms asked the following question at the hearing on 9 February 2016:

Senator SIMMS: Strange that people getting married could be compared to sending people to war. In terms of the staff time that has been attributed to this, has there also been a commissioning of high-level legal advice to deal with some of the complexities? I imagine your department would be in a position to provide that as well.

Senator Brandis: Yes.

Senator SIMMS: Can you give me a sense: is that in addition to the four or five staff that have been managing the project?

Mr Manning: Yes.

Senator SIMMS: Can you give me a sense of how many staff in addition have been working on this?

Mr Manning: Again, we will have to take that on notice. As I indicated, in response to Senator Gallagher's questions earlier, as issues are discussed as options, we are trying to position ourselves so that we can respond to them should they be chosen as the policy of the government. In doing that provisions are drafted from time to time, and in doing that issues come up and you might go off to the Australian Government Solicitor and get some advice, but there is not a dedicated team of lawyers in the department sitting around working on this issue.

Senator SIMMS: No, of course, I understand that. In terms of these legal officers that are providing this advice, can you give me a sense of, again, what kind of level they would be employed at within the department?

Mr Manning: The ones used so far would work primarily at the Australian Government Solicitor. I would have to take that on notice as I do not have the details.

Senator SIMMS: If you could, and also the amount of staff time that has been allocated to providing that advice to the government as well.

Mr Manning: Sure. They cost their time so we will be able to do that.

Senator SIMMS: Yes, that would be great. ...

Mr Manning: Can I just clarify one thing in response to the senator's comments. When we spoke about those staff, of course there is the plebiscite issue and there is the issue of amending the Marriage Act. Those same people are working on both. That work has to occur regardless. I just want to clarify that we are unable to break it down to that level. But that work would have to occur because there is the issue of amending the act and any consequential amendments that might arise. I just wanted to clarify that point. ... Senator SIMMS: The majority of the public support it. Can I summarise so that I ensure we have captured the things I am wanting to get costed. I am wanting to get information on the amount of staff time within the minister's department, and the professional classifications of those. But in addition I am wanting to get information on the senior legal advice that is being provided, and in particular at what rate that has been charged with the six-month increments—

Senator Brandis: We will get all of that information to you.

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

As at 9 February 2016, the total cost of legal work on a plebiscite, commissioned by the department from the Australian Government Solicitor, was \$25,982.40. This represents a total of 74.3 hours of legal work performed by two (2) Senior Executive Lawyers, one (1) Senior Lawyer and one (1) Graduate Lawyer.

The department is unable to provide a breakdown of these legal costs according to six-minute increment rates as requested, as this information is commercial-in-confidence.

The department's response to Question No. AE16/030 provides information about the number and classification of departmental staff working on the plebiscite, as at 9 February 2016.