

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
BUDGET ESTIMATES 2017

Attorney General's Department

Program: 1.3 Australian Government Solicitor

Question No. BE17-029

Senator Macdonald asked the following question on 24 May 2017:

CHAIR: Before you go, Mr Kingston, can I put some questions about the case on notice as well. I understand Mr Dreyfus is claiming costs from the government as a result of his successful prosecution of the case. Could you tell me the costs involved and what is being claimed? Could you tell me which counsel Mr Dreyfus engaged, which solicitors he engaged, what his bill of costs against the Commonwealth constitutes—the total amount—the amount he has charged for solicitors and for barristers and whether they are QCs? I understand Mr Dreyfus led the case himself as a QC but I understand he also had junior counsel and solicitors there. Could we get details of those? I am asking you to take those on notice and, when you are returning to Senator Wong on notice, you can give me those on notice and some comments about the claim.

Senator WONG: I have one more thing on notice just on this.

CHAIR: Let me—

Senator WONG: Sorry, I thought you had finished, Chair.

CHAIR: I thought Mr Kingston was trying to say something.

Mr Kingston: We will certainly take those on notice, Senator. One thing I would flag, and it may pass with time, it is that I think there are without prejudice discussions between the parties at the moment about those costs.

CHAIR: Mr Kingston, you did make that clear to Senator Wong, and that is why you are cautious to respond. But, in the same context as Senator Wong, if you are answering Senator Wong's you are answering mine; if you cannot answer Senator Wong's you cannot answer mine.

Mr Kingston: We will certainly take that on notice.

CHAIR: It is apples with apples. Was there a clarification, Senator Wong?

Senator WONG: In light of what the Attorney said, can the department explain why legal costs have been previously disclosed—for example, in relation to the Timor-Leste arbitration between 2013 and 2014?

CHAIR: Do you understand what that means, Mr Kingston? I do not. If you do, that is all we need.

...

Senator WONG: Chair, can I just put one point. I have asked the question in a form which would permit aggregate costs. So if the issue is on the basis that the Attorney has just outlined, if there is an issue of concern there—and I do not necessarily accept that—that is, the rate of a particular barrister, then the way in which I have asked the question contemplates an aggregate cost answer.

The response to the honourable Senator's question is as follows:

AGS does not know what Mr Dreyfus' costs were for the AAT proceeding. The Attorney and Mr Dreyfus have agreed to settle Mr Dreyfus' costs claim for the Federal Court proceeding for the all-inclusive amount of \$65,000. Mr Dreyfus has agreed to the AGS disclosing that settlement figure to the Senate.

Mr Dreyfus QC MP led the case himself. He was assisted in the AAT proceeding by Lee Corbett, a junior counsel from the NSW Bar. He was assisted in the Federal Court appeal by Lee Corbett and also Christopher Parkin, a junior counsel from the NSW Bar.

The law firm Maurice Blackburn acted as solicitors for Mr Dreyfus in both the AAT and Federal Court proceedings.