

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

**Program 1.1**

**Question No. 21**

**Senator Barnett asked the following question at the hearing on 25 May 2011:**

**Senator BARNETT:** ... Briefly, on another matter, are you able to provide the committee with a status report on the High Court case regarding the Queensland government and the Commonwealth chaplaincy services?

**Mr Govey:** I think that question is better asked of the Attorney-General's Department. I do not know whether Mr Faulkner would know anything about it. Again, I think the best thing to do would be for us to take that on notice, if we could.

**Senator BARNETT:** Are you acting—

**Mr Govey:** We are acting; yes we are.

**Senator BARNETT:** I know it is before the courts and I understand a judgment has not been handed down. I am wondering whether there is any further status report that can be provided regarding that matter.

**Mr Wilkins:** It is DEEWR, so you need to talk to them about it.

**Mr Govey:** There is one piece of information I can give you: my notes say that it is due to be heard by the High Court in August.

**Senator BARNETT:** That is useful.

**Mr Govey:** That is probably as much as there is to be said.

**Senator BARNETT:** Have they had preliminary hearings—you can tell us that. Is that correct—in March or April?

**Mr Govey:** I do not know whether that would have been the occasion on which the special leave application was heard.

**Senator BARNETT:** Possibly. Could you take that on notice. I am just asking for a status report. Do we have a date in August?

**Mr Govey:** No.

**Senator BARNETT:** When do such matters become clear to members of the public?

**Mr Govey:** I will have to take that on notice as well.

**Senator BARNETT:** If you could. I am just seeking an update on that. I am not seeking any legal opinions.

**Mr Wilkins:** It is set down for hearing on 9-11 August.

**Senator BARNETT:** So it is set for three days?

**Mr Govey:** Yes.

**Senator BARNETT:** Have you appointed counsel for that hearing? If so, could you advise who that might be.

**Mr Wilkins:** We think it is the Solicitor-General, but I am not sure of that.

**Senator BARNETT:** I am happy if you take it on notice.

**Mr Wilkins:** We will take it on notice.

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

*Williams v Commonwealth* is a matter in the original jurisdiction of the High Court. This means that there have been no preliminary hearings or any need for a special leave application. Directions hearings were held on 27 January 2011, 25 March 2011 and 9 May 2011. The hearing of the case

before the Full Bench of the High Court is scheduled for 9–11 August 2011. The Solicitor-General, Geoffrey Kennett and Stephen Free represent the Commonwealth.