

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

Group 2

Program 1.1

Question No. 31

Senator Brandis asked the following question at the hearing on 29 May 2013:

Senator BRANDIS: I will start by asking about the matter of Baker and the Commonwealth, the Federal Court proceedings involving certain judges of the former Federal Magistrates Court, now the Federal Circuit Court.

...

Senator BRANDIS: Has there been a costs assessor engaged?

Mr Fredericks: Yes, there has.

Senator BRANDIS: Who is that?

Dr Smrdel: The cost consultant firm Legalcost provided the cost assessment.

Senator BRANDIS: Is that a Canberra-based firm?

Dr Smrdel: I would have to follow that up.

...

Senator BRANDIS: How many lawyers either full-time or part-time have been involved in the defence of this litigation?

Mr Wilkins: We do not have that information. We will have to take it on notice.

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

Part 1

Legalcost is a cost consultant firm based in the ACT.

Part 2

The litigation was commenced in the High Court of Australia and then remitted to the Federal Court of Australia. Constitutional issues were raised in both Courts.

The High Court proceedings and constitutional issues were handled day-to-day by a team of one Senior Executive Lawyer (part-time) and one more junior lawyer (part-time), with consultation occurring with another Senior Executive Lawyer (part-time).

The Federal Court proceedings were then handled day-to-day by a different team of one Senior Executive Lawyer (part-time) and one Senior Lawyer (full-time), with consultation occurring with another Senior Executive Lawyer (part-time). The constitutional issues in the Federal Court proceedings continued to be handled by the same team as handled the High Court proceedings.

External Counsel (Mr Neil Williams SC and Ms Naomi Sharp) were briefed. The Solicitor-General was also briefed in the High Court proceedings until the proceedings were remitted to the Federal Court.