

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

Question No. 55

Senator Pratt asked the following question at the hearing on 30 May 2013:

Senator PRATT: I understand the decision to prosecute over a debt of about \$900 worth of cab charges has been made—is that correct?

Mr Bromwich: Yes, it has.

...

Senator PRATT: Are there any private consultants and expert witnesses?

Mr Bromwich: I would have to go back and check. I think there is one expert witness. There may be more than one but I recall one. 'Expert witness' is a term that has a fluidity about it because there are people who have a form of expertise which is not the same for example as a scientist or something like that.

Senator PRATT: Have the costs of this trial been estimated at all?

Mr Bromwich: There will have been some degree of estimation but I do not have any figures of that nature available to me at the moment. There may well have been some sort of estimate done but we do not make decisions ordinarily on the basis of dollars as such. The public interest test is the principal test in relation to resources and resources do have a part to play. That forms part of the public interest component.

Senator PRATT: So resources do play part of the part interest component.

Mr Bromwich: It is measured. I can find you the paragraph in the policy. But it is rarely a determinative factor.

Senator PRATT: What other kinds of costs do you expect to incur?

Mr Bromwich: There is the staffing cost. If any witnesses have to be brought from outside of the ACT there would be those costs. I do not recall for the moment, without looking them up, who they are.

Senator PRATT: Are you able to provide me with what a total cost might look like?

Mr Bromwich: We would be able to obtain a figure for that, I imagine, but we would have to take that on notice.

...

Mr Bromwich: The question we had effectively on notice is as to the legal costs of anticipated legal costs of the prosecution.

Senator PRATT: Yes, that is correct. Thank you.

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

The cost of any hearing is dependent on a number of variables including, in particular, the length of the hearing and the facts put in issue. Assuming the matter proceeds to a full hearing of 7 days (based on the Defence estimate provided to the court of that being the time required), and assuming the prosecution is put to strict proof at that hearing as to every fact, the defendant gives evidence and detailed closing submissions are made, it is anticipated that the prosecution's external legal and related costs for the preparation and conduct of the hearing would be approximately \$69,000.