

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

Group 2

Program 1.3

Question No. 151

Senator Whish-Wilson asked the following question at the hearing on 24 February 2014:

- 1) How much has been spent by the AG's Department on this case? Can this be broken down into staff, travel and external consultants/advice?
 - i. How many FTE staff are working on it and what classification levels are they?
 - ii. How much has been spent on travel to deal with this case?
 - iii. Have any contractors or consultants been engaged by AGD as a direct result of this case?
 - iv. If so how many and what expertise or experience do they have that led to their engagement?
 - v. How much external legal advice has been sought and what is the cost of this?
- 2) What other Departments has AGD consulted with about this case?

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

- 1) The Government does not disclose figures associated with defending these legal challenges as public disclosure of that information may confer a tactical advantage on the other parties in the litigation. In light of this, the Attorney-General's Department (AGD) cannot provide a break-down of amounts spent on staff, travel and external consultants/advice, as requested in sub-questions 1(i) to (v). However, to the extent possible, further information in respect of each of these questions is set out below. Further questions relating to budgeting arrangements for the defence of this dispute should be directed to the Department of Health.
 - i. AGD has primary responsibility for Australia's defence of the investor-State dispute brought by Philip Morris Asia and has established a Tobacco Litigation Taskforce, within the Office of International Law, to perform the role. Resources are allocated by AGD according to the requirements of the case. The Tobacco Litigation Taskforce currently comprises officers at the SES, Executive and APS levels. The AGD Tobacco Litigation Taskforce works closely with the Department of Foreign Affairs and Trade and the Department of Health in the defence of this case.
 - ii. Australia's representatives have attended hearings in Singapore and Toronto, Canada in accordance with the orders of the Tribunal, and have made travel arrangements in accordance with the requirements of those hearings.
 - iii. The Government has engaged a number of experts to assist in preparing Australia's defence of the dispute brought by Philip Morris Asia.
 - iv. See the response to 1(iii) above.
 - v. The Government legal team is being led by the Solicitor-General and a team of Counsel, which includes barristers from the Sydney and London Bar. The Solicitor-General and Counsel are instructed by the Australian Government Solicitor.
- 2) AGD has primary responsibility for Australia's defence of this case. AGD is working closely with the Department of Health, the Department of Foreign Affairs and Trade and the Australian Government Solicitor in

the handling of this matter. AGD has also consulted a number of other relevant agencies about specific aspects of this matter, including the Department of the Prime Minister and Cabinet, the Treasury, the Department of Finance, the Australian Customs and Border Protection Service, the Department of Industry, IP Australia, the Australian Taxation Office, the Australian Bureau of Statistics and the Australian Competition and Consumer Commission.