

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN GOVERNMENT SOLICITOR

Question No. 72

Senator Abetz asked the following question at the hearing on 27 May 2008:

Legal proceedings that have been undertaken by Senator Bob Brown and in particular the Wielangta court case:

- a) What are the total costs, including the High Court challenge, that the Australian Government Solicitor has charged other departments?
- b) Has or will the Australian Government Solicitor be seeking costs?
- c) In the event that costs have been sought, what is the outcome?
- d) If costs have not been sought, why have they not been sought?

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

a) AGS acted for the Commonwealth in the Full Federal Court proceeding *Forestry Tasmania v Brown [2007] FCAFC 186*. The total costs (that is, AGS's fees charged to the Department of Environment Water Heritage and the Arts) for legal services with respect to this proceeding and the related High Court proceeding, are \$49,926.00. This amount excludes disbursements of \$73,756.42 (which included counsel fees) and GST. The Commonwealth did not appear in the High Court Special Leave application brought by Senator Brown (heard and determined on 23 May 2008).

b)-d) It is a matter for the instructing agency to determine whether to seek recovery of costs in any matter. The Commonwealth was an intervener in, and not a party to, the Federal Court proceeding in which the Commonwealth intervened, and the order of the Court allowing the Commonwealth to appear as intervener was on the basis that it would not seek costs from any party. Consequently, there are no costs to be sought.