

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN GOVERNMENT SOLICITOR

Question No. 73

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

In general terms, what is the Australian Government Solicitor's attitude in relation to costs recovery when it is successful in court actions?

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

As a legal services provider the Australian Government Solicitor (AGS) does not have a general attitude to costs recovery. When we are instructed in a matter by the Commonwealth or a Commonwealth agency in which it has been successful in court or tribunal proceedings, it is for the relevant department or agency to determine whether or not to seek recovery of some or all of its costs. In determining its position, the department or agency would normally seek AGS's advice about recovery of costs. In providing such advice, AGS ensures that the client department or agency is aware of the Commonwealth's policy with respect to the recovery of costs.