

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

Program 1.3

Question No. 74

Senator Barnett asked the following question at the hearing on 26 May 2011:

Senator BARNETT: Good. Again in answer to a question on notice, you advised that there was an estimated \$20,000 in legal aid bills for every crewperson tried for people-smuggling offences. I want to confirm that figure—if that is accurate.

Mr Wilkins: The figure was what, Senator?

Senator BARNETT: \$20,000 in legal aid for every crew member.

Ms Jones: Was that an average cost based on the experience of the Legal Aid Commission of Western Australia handling some of these matters?

Senator BARNETT: That is correct.

Ms Jones: So it is an average cost. I do not have a cost per individual matter.

Senator BARNETT: What about New South Wales and Queensland? Have you got figures for them? You have the average costs for WA. I would like to know the average costs in the other states. WA is obviously a predominant state, but clearly Queensland and New South Wales and other states would be relevant. Do you have those figures with you?

Ms Jones: I do not, Senator. I have to take that on notice.

Senator BARNETT: Take that on notice. Just break it down wherever they are—state and territory. I assume the Northern Territory as well. Take that on notice. Could you provide those figures and try and be as specific as possible for each case and then do an average across the state and territory?

Mr Wilkins: You want average costs, essentially, don't you, for the different states and territories? That is intruding a little. You want each specific individual's bill?

Senator BARNETT: Well, I think you could do that. There are 138 convictions and 292 crew. You would have to ask each state and territory legal aid. I am happy to compromise. Let us just go for the average and we will work it out that way. You do the total cost per state and divide the number of crew members into that and we will get an average per state. Can you do that?

Ms Jones: I think we should be able to do that, Senator.

Mr Wilkins: Yes, we should be able to.

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

As at 22 June 2011 Legal Aid Western Australia is the only legal aid commission which has been reimbursed for costs in people smuggling cases. The average cost of defended matters in WA continues to be \$20,000.

As at 22 June 2011, the Department has not received accounts from any other jurisdiction. The Department sought advice from New South Wales, Victoria, Queensland and the Northern Territory about the average cost of defended matters in those jurisdictions. Of the contested cases in these jurisdictions, only one matter has been finalised. The cost of this matter was \$1,961 but the Department notes this matter did not proceed to a final hearing. The Department will not have average cost data for other States and Territories until a larger number of these matters are finalised.