

Senate Community Affairs Legislation Committee

ADDITIONAL ESTIMATES – 11 FEBRUARY 2016 ANSWER TO QUESTION ON NOTICE

Department of Human Services

Topic: Legal costs

Question reference number: HS 93

Senator: Ludwig

Type of question: Written

Date set by the committee for the return of answer: 4 April 2016

Number of pages: 2

Question:

Since the change of Prime Minister on 14 September, 2015:

- a) List all legal costs incurred by the department or agency.
- b) List the total cost for these items, broken down by source of legal advice, hours retained or taken to prepare the advice and the level of counsel used in preparing the advice, whether the advice was internal or external.
- c) List cost spend briefing Counsel, broken down by hours spent briefing, whether it was direct or indirect briefing, the gender ratio of Counsel, how each Counsel was engaged (departmental, ministerial)?
- d) How was each piece of advice procured? Detail the method of identifying legal advice.

Answer:

- a) The total legal costs incurred by the department for 2014-15 were \$35,027,166.27 (GST exclusive). The department is required under the *Legal Services Directions 2005* to report specific information about legal services expenditure to the Office of Legal Services Coordination (OLSC) annually. It would be an unreasonable diversion of departmental resources to collect information about all legal costs incurred since the change of Prime Minister to now.
- b) The legal costs incurred by the department for 2014-15 were \$14,294,877.27 (GST exclusive) for external legal services and \$20,732,289 (GST exclusive) for internal legal services. The department is required under the *Legal Services Directions 2005* to report specific information about legal services expenditure to the Office of Legal Services Coordination annually. It would be an unreasonable diversion of departmental resources to collect information about all legal costs incurred since the change of Prime Minister to now. Further, the department is not required to report on hours retained or taken to prepare the advice, or on the level of Counsel used in preparing the advice. It would be an unreasonable diversion of departmental resources to provide additional information, which is not required to be reported under the *Legal Services Directions 2005*.

- c) In 2014-15 each Counsel was engaged by the department. In 2014-15: the total value of briefs to Counsel was \$396,089.14 (GST exclusive); the value of direct briefs to male Counsel was \$14,353 (GST exclusive); and the value of direct briefs to female Counsel was \$7,165 (GST exclusive), which is a total of \$21,518 (GST exclusive). The value of indirect briefs to male Counsel was \$171,666.72 (GST exclusive) and the value of indirect briefs to female Counsel was \$202,904.42 (GST exclusive) which is a total of \$374,571.14 (GST exclusive).

The department is required under the *Legal Services Directions 2005* to report specific information about legal services expenditure to the Office of Legal Services Coordination annually. It would be an unreasonable diversion of departmental resources to collect information about all legal costs incurred since the change of Prime Minister to now. Further, the department is not required to report on hours spent briefing Counsel. It would be an unreasonable diversion of departmental resources to provide additional information, which is not required to be reported under the *Legal Services Directions 2005*.

- d) Legal advice is procured from the department's internal legal division and external legal services providers. Legal advice is identified as being any advice obtained by the department about a legal matter which is provided by a legally qualified professional.