

Senate Community Affairs Committee

ANSWERS TO ESTIMATES QUESTIONS ON NOTICE

HEALTH PORTFOLIO

Supplementary Budget Estimates 2014 - 2015, 22 October 2014

Ref No: SQ14-001436

OUTCOME: 0 - Whole of Portfolio

Topic: Legal Costs

Type of Question: Written Question on Notice

Senator: Ludwig, Joe

Question:

1. Since Budget Estimates in June, 2014 list all legal costs incurred by the department or agency.
 - a) 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.
 - b) List cost spent 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).
2. How was each piece of advice procured? Detail the method of identifying legal advice

Answer:

1. The Department of Health does not have the statistical records to enable answers to be provided to all parts of all questions.
 - a) The total cost of legal services incurred from 1 July 2014 to 30 September 2014 by the Department (including Therapeutic Goods Administration, the National Industrial Chemicals Notification and Assessment Scheme and the Office of the Gene Technology Regulator) is \$2,481,845 for internal legal expenditure and \$1,573,929 for external legal expenditure. These figures do not include expenditure relating to litigation arising from the Tobacco Plain Packaging Legislation.
 - b) Two female and three male Counsel were engaged during the period. All were engaged by the Department.
2. Internal legal advice is routinely provided by lawyers within the Department's Legal Services Branch, or by General Counsel, to program areas as the need arises. External legal advice is generally sought through the Legal Services Multi User List.