

**Senate Standing Committee on Environment and Communications**

**Answers to Senate Estimates Questions on Notice**

**Additional Estimates Hearings February 2016**

**Communications Portfolio**

**Australian Communications and Media Authority**

**Question No: 206(e)**

**Australian Communications and Media Authority**

**Hansard Ref: Written, 19/02/2016**

**Topic: Legal Costs**

**Senator Ludwig, Joe asked:**

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

1. List all legal costs incurred by the department or agency
2. 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
3. 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)
4. How was each piece of advice procured? Detail the method of identifying legal advice

**Answer:**

1. The agency expenditure on legal services for the period 14 September 2015 to 29 January 2016, including internal legal costs, was \$1,614,913. The legal services provided covered the full range of legal matters requiring consideration by the agency, including legal interpretation, drafting of documentation and instruments (including legislative instruments), management of litigation, review of investigation reports and Authority papers, and all other necessary forms of legal advice and assistance.

The agency expenditure on legal services for the same period from the Australian Government Solicitor was \$49,433, for a range of litigation matters and other miscellaneous advice and assistance.

The agency expenditure on legal services for the same period from private firms was \$2,853, for legal advice and assistance

There was no expenditure on senior or junior counsel for the same period.

2. See the answer to question 1. No records of hours retained or taken to prepare advice are kept with respect to internal legal advice and it would be an unreasonable diversion of resources to construct such records retrospectively.
3. There was no agency expenditure on briefing senior or junior counsel during this period.
4. External advice was procured in the manner required by the *Legal Services Directions 2005*. The need for external legal advice is identified by senior lawyers working within the ACMA's Legal Services Division acting upon the instructions of the Authority and the senior line area managers employed by the Authority.