

Senate Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Additional Estimates

2015 - 2016

Department/Agency: APRA
Question: AET 2590-2593
Topic: Legal Costs
Reference: Written - 19 February 2016
Senator: Ludwig, Joe & Wong, Penny

Question:

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

2590. List all legal costs incurred by the department or agency

2591. 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

2592. 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)

2593. How was each piece of advice procured? Detail the method of identifying legal advice

Answer:

2590. The Australian Prudential Regulation Authority (APRA) spent \$1,752,357 on legal services for the period 1 September 2015 to 31 January 2016. The calculations have been completed for the above dates, due to the operation of APRA's financial systems.

2591. The cost for services is broken down as follows:

Source of advice	Level of counsel	Internal or external	Hours retained	Cost \$
APRA in-house solicitors	Ranging from junior solicitors to General Counsel	internal	21,996	1,649,490
External solicitors	Ranging from junior solicitors to Partner	external	35.32	14,076
Counsel	Junior Counsel	external	35.25	9,784
Counsel	Senior Counsel	external	137.5	79,007
		TOTAL	22,204.07	1,752,357

2592. APRA engaged two counsel during the period 14 September 2015 to 10 February 2016. Both were male and briefed directly. APRA does not record the hours spent briefing counsel, costs cannot be broken down for this question.
2593. APRA assesses the complexity and nature of the advice sought and the availability of legal expertise best able to meet the need in accordance with the requirements and relevant mechanisms available, including under the Commonwealth Procurement Rules, the *Legal Services Directions 2005*, the authority provided by the Attorney-General to conduct litigation in relation to APRA's enforcement or regulatory functions, the Legal Services Multi-Use List and the Commonwealth Counsel Engagement Policy.