

Senate Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Treasury Portfolio
 Budget Estimates 2015

Question: AET 2594-2597

Topic: Legal costs

Written: 18 March 2016

Senators LUDWIG/WONG 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 spend 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. ASIC's approximate legal costs for the period are as follows:

Counsel's fees	4,655,319 (1 September 2015 to 29 February 2016)
External solicitors	1,924,037 (1 September 2015 to 29 February 2016)
Internal legal	28,870,673 (see note 1) (14 September 2015 to 16 March 2016)

2. See above. ASIC's preference is to first seek advice from its in-house legal service providers on all of its regulatory and operational legal work. ASIC briefs external counsel for all of its substantial regulatory litigation.

In order to provide details of the hours retained or taken to prepare the advice, we would need to review all the memorandum of costs provided to ASIC in each matter, which would involve significant resources.

A listing of external legal service providers for the period 1 September 2015 to 29 February 2016 is given below:

Sum of Amount		
Reporting Account		
Description	Vendor Name	Grand Total
Counsel Fees		

Senate Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Treasury Portfolio
Budget Estimates 2015

	47,452.23
A J DEVER PTY LTD	290,122.28
AARON CORNISH	22,390.00
AMY FRANCES KNOX	712.72
ANNA MARGRIT MITCHELMORE	33,050.24
ANTHONY LO SURDO	86,412.18
BARRISTERS LOGISTICS PTY LTD	159,818.19
BEN MOSTAFA	3,403.64
BRENDAN K LIM	6,648.40
CRAIG SLATER	27,630.00
DANIELLE TUCKER	4,024.55
DARREN JACKSON	18,075.24
DAVID GEOFFREY HEALEY	60,371.18
DAVID PAUL HUME	349.09
DAVID R STACK	55,204.99
DAVID STAEHLI SC	1,765.61
DORAN COOK	6,963.64
DOUG CLARK CONSULTING	11,245.45
DR JAMES RENWICK	75,467.73
ELIZABETH A CHEESEMAN	223,069.63
ERIN LONGBOTTOM	20,881.36
FIONA JANE BUSTOS-MCNEIL	3,992.73
FOLEY'S LIST PTY LTD	

Senate Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Treasury Portfolio
Budget Estimates 2015

	128,863.63
G P MCNALLY	8,181.82
GERARD CRADDOCK SC	98,974.33
GILLIAN WALKER	19,233.41
GORDON & JACKSON	691,822.58
GREENS LIST BARRISTERS	20,610.91
GREG O'MAHONEY	141,056.37
IMTIAZ AHMED	8,747.27
JAMES HMELNITSKY	49,776.39
JENNIFER SINGLE	10,920.00
JEREMY CLARKE	62,270.00
JOANNA DAVIDSON	727.27
JOANNE SHEPARD	22,065.45
JOCELYN WILLIAMS	18,361.21
JOHN HALLEY	193,851.13
JOHN VAUGHAN	4,680.00
JOSEPH GARAS	979.41
JUSTIN SIMPKINS	10,916.59
KATE BLACKFORD SLACK	2,707.95
KIM ANDERSON	37,556.82
KRISTINA STERN	68,220.45
LINDA BLACK	5,600.45

Senate Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Treasury Portfolio
 Budget Estimates 2015

LIST A BARRISTERS	641,401.52
LIST G PTY LTD (BARRISTERS)	109,767.76
LIST T PTY LTD	26,181.82
LUKE LIVINGSTON	27,465.00
MADELEINE AVENELL	78,160.14
MARGARET HOCH	8,169.09
MARK DOUGLAS	7,139.10
MARK STEELE	21,574.32
MATTHEW BRADY	63,252.07
MCGRATHNICOL FORENSIC	16,363.64
MCMASTER SECURITIES PTY LTD	3,939.58
MELAINE HINDMAN	7,079.55
MELDRUM & HYLAND BARRISTER'S CLERK	33,181.81
MICHAEL O'MEARA	8,460.91
MICHELLE CASTLE	30,060.37
MR SIMON CLEARY	8,313.41
NEIL WILLIAMS	6,192.29
PATRICK HOLMES	23,226.82
PERRY HERZFELD	385.91
PETER J DAVIS QC	20,003.91
PETER RUSSELL (BARRISTER)	54,731.28
R J HOWELLS PTY LTD	4,545.46
RICHARD HOOKER	8,007.27

Senate Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Treasury Portfolio
Budget Estimates 2015

	ROGER V GYLES	4,543.64
	ROHAN HARDCASTLE	259,647.33
	RUTH C A HIGGINS	3,040.00
	SALLY ROBB	40,909.10
	SANDRA BIRKENSLEIGH	13,500.00
	SARAH RUSSELL	3,583.64
	SCOTT SEEFELD	111,666.43
	SEAN COOPER	10,016.36
	STEPHANIE PATTERSON	1,022.73
	STEVEN WONG	28,886.36
	TAMARA LYNETTE PHILLIPS	18,279.27
	THOMAS SULLIVAN	11,980.65
	TIFFANY WONG	63,672.41
	TIMOTHY RYAN	2,771.36
	VANESSA MARIE BOSNJAK	14,666.67
	VICTORIA BRIGDEN	22,707.07
	YASEEN SHARIFF	3,703.64
	YOUNG'S LIST PTY LTD	67,944.32
Counsel Fees Total		4,655,318.53
External Solicitors		88,187.57
	ALLY GROUP PTY LIMITED	887,950.10

Senate Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Treasury Portfolio
 Budget Estimates 2015

ALYSON ASHE & ASSOCIATES	9,597.24
ASHURST AUSTRALIA	5,724.64
AUSTRALIAN GOVERNMENT SOLICITOR	318,318.09
CORRS CHAMBERS WESTGARTH	78,399.68
HENRY DAVIS YORK LAWYERS	31,150.00
JOHNSON WINTER & SLATTERY	460,275.42
KING & WOOD MALLESONS	2,072.73
MINTER ELLISON	15,585.80
OFFICE OF THE DIRECTOR OF PUBLIC	14,136.36
S.N ARONEY & A.P BROWN & M CHECKETTS & D	2,780.00
TROWERS & HAMLINS LLP	9,859.22
External Solicitors Total	1,924,036.85

Grand Total **6,579,355.38**

3. See above. Of briefs to counsel, 61% were to males and 39% to females. All of the briefs were direct and were engagements by ASIC. ASIC does not operate on a fully integrated time costing basis, and accordingly to obtain details of the time spent by staff, and therefore the cost of, briefing counsel were involve significant resources.

4. All engagements of counsel are conducted pursuant to the requirements of the *Legal Services Directions 2005* and the *Public Governance, Performance and Accountability Act 2013*. These include the requirement to make proper use and management of Commonwealth resources (s.15 PGPA Act) and to engage counsel at their Commonwealth Approved Rates set by the Office of Legal Services Co-ordination within the Attorney General's Department.

Engagements of external solicitors after 1 July 2013 were procured in accordance with the requirements of the Legal Services Multi-use list – a Commonwealth Government-wide panel of legal services providers which all Commonwealth agencies are required to use.

Senate Economics Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Budget Estimates 2015

Engagements prior to 1 July 2013 were either undertaken pursuant to the requirements of a penal of solicitors established by ASIC, and in accordance with the requirements of the FMA Act.

Notes

1. Internal legal costs are, consistent with our reporting to the Office of Legal Services Coordination, based on a head count of employees deemed to be providing legal services to ASIC as at 21 September 2015, their average salary and direct and indirect overhead costs. This is consistent with the guidance on full costing of in-house legal services provided in the ANAO Better Practice Guide: "Legal Services Arrangements in Australia Government Agencies" (August 2006).