

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Supplementary Budget Estimates 2014-2015

Cross Portfolio

Department of Employment Question No. EM1064_15

Senator Ludwig provided in writing.

Question

Legal Costs

Since Budget Estimates in June, 2014:

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. Legal Costs

Please refer to answer 2.

2. Detailed Cost of Legal Services

Legal services expenditure for 2013-14 can be found on the department's website www.employment.gov.au. Expenditure for the period 1 July – 31 October 2014 is below.

Source	Hours	Costs (exc GST)**
Internal	Not all time recorded*	\$4,605,528
External	1534	\$455,874

*The internal hours taken to prepare advice by in-house lawyers are not available as not all lawyers in the department time record.

**The cost of internal legal services is reported in line with the requirements set out in the Legal Services Directions 2005 and in the Australian National Audit Office's Best Practice Guidelines for Legal Services. They include all direct and indirect costs. Direct costs include salary, stationary, equipment and learning and development costs. Indirect costs include electricity, rent and other corporate overheads. The figures provided are also reported annually to the Attorney-General's Department.

3. Counsel/Barrister

The department has not incurred any costs for counsel/barrister fees in the 2014–15 financial year. Expenses incurred between 1 June – 30 June 2014 are outlined in the below table.

Briefing Source	Costs (exc GST)	Number of Male Counsel	Number of Female Counsel
Directly	\$0	0	0
Indirectly	\$128,154	2	3

The department does not separately identify the cost of solicitors briefing counsel. In general, counsel/barrister's costs are by the day or half day, therefore total hours are not available. All matters briefed to counsel have been done so by the department. There have been no matters briefed by the minister.

4. Procurement Process

External legal services were procured using the Attorney-General's Legal Services Multi-Use List (LSMUL) arrangements. Under the LSMUL agencies can establish parceling arrangements. Parceling Deeds were entered into by the Department of Education, Employment and Workplace Relations in May 2013 and continue to apply to the Department of Employment.

The decision to engage external lawyers is made by either the Chief Counsel (Workplace Relations Legal) or General Counsel (Corporate Legal) taking into account the specifics of each individual matter.