

**Senate Finance and Public Administration Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
**ADDITIONAL ESTIMATES 2015-16**

Finance Portfolio  
9 February 2016

**Department/Agency:** All  
**Outcome/Program:** General  
**Topic:** Legal Costs

**Senator:** Ludwig  
**Question reference number:** F95  
**Type of question:** Written  
**Date set by the committee for the return of answer:** Friday, 1 April 2016

**Number of pages:** 2

**Question:**

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); and
4. How was each piece of advice procured? Detail the method of identifying legal advice.

**Answer:**

<b>Department/ Agency</b>	<b>Response</b>
Finance	1. – 3. The Department of Finance (Finance) reports annually on its legal service expenditure, as required under the <i>Legal Services Direction 2005</i> . Finance’s legal expenditure for the previous financial year is available at <a href="http://www.finance.gov.au/publications/index.html">http://www.finance.gov.au/publications/index.html</a>  It would involve an unreasonable diversion of resources to compile data on Finance’s legal expenditure and costs spent briefing Counsel for the period since 14 September 2015 ahead of the mandated annual reporting to the Office of Legal Services Coordination.

Department/ Agency	Response																				
	<p>4.</p> <p>It would involve an unreasonable diversion of resources to compile data on how each piece of legal advice was procured for the period since 14 September 2015.</p> <p>In general, under the <i>Legal Services Directions 2005</i> Finance is required to obtain its legal services from legal service providers on the Legal Services Multi-Use List established by the Attorney-General's Department. Finance procures legal services consistent with this requirement.</p>																				
Australian Electoral Commission	<p>1. – 4.</p> <p>The Australian Electoral Commission (AEC) reports annually on its legal services expenditure as required under the <i>Legal Services Directions 2005</i>.</p> <p>The AEC's legal expenditure will be published on its website after the financial statements are completed for the 2015-16 financial year as mandated by these statutory requirements.</p>																				
Commonwealth Superannuation Corporation	<p>1. For the period 14 September 2015 to 9 February 2016 the cost of legal advice was \$480,366.09.</p> <p>2.</p> <table border="1" data-bbox="432 1021 1209 1402"> <thead> <tr> <th data-bbox="432 1021 1018 1059">Legal Service Provider</th> <th data-bbox="1018 1021 1209 1059">Cost (\$)</th> </tr> </thead> <tbody> <tr> <td data-bbox="432 1059 1018 1097">Australian Government Solicitor</td> <td data-bbox="1018 1059 1209 1097">71,105.76</td> </tr> <tr> <td data-bbox="432 1097 1018 1135">Ashurst</td> <td data-bbox="1018 1097 1209 1135">16,909.95</td> </tr> <tr> <td data-bbox="432 1135 1018 1173">Henry Davis York</td> <td data-bbox="1018 1135 1209 1173">78,722.82</td> </tr> <tr> <td data-bbox="432 1173 1018 1211">King &amp; Wood Mallesons</td> <td data-bbox="1018 1173 1209 1211">259,182.73</td> </tr> <tr> <td data-bbox="432 1211 1018 1249">Myer Vandenberg</td> <td data-bbox="1018 1211 1209 1249">14,649.94</td> </tr> <tr> <td data-bbox="432 1249 1018 1288">Maples</td> <td data-bbox="1018 1249 1209 1288">11,554.82</td> </tr> <tr> <td data-bbox="432 1288 1018 1326">Allens Linklaters</td> <td data-bbox="1018 1288 1209 1326">22,952.90</td> </tr> <tr> <td data-bbox="432 1326 1018 1364">M&amp;K Lawyers Group</td> <td data-bbox="1018 1326 1209 1364">5,287.17</td> </tr> <tr> <td data-bbox="432 1364 1018 1402" style="text-align: right;"><b>Total</b></td> <td data-bbox="1018 1364 1209 1402"><b>480,366.09</b></td> </tr> </tbody> </table> <p>All advice was externally provided. CSC does not record hours taken to prepare advice or level of Counsel.</p> <p>3. No Counsel were briefed.</p> <p>4. All advice was sourced from CSC's usual providers based on expertise.</p>	Legal Service Provider	Cost (\$)	Australian Government Solicitor	71,105.76	Ashurst	16,909.95	Henry Davis York	78,722.82	King & Wood Mallesons	259,182.73	Myer Vandenberg	14,649.94	Maples	11,554.82	Allens Linklaters	22,952.90	M&K Lawyers Group	5,287.17	<b>Total</b>	<b>480,366.09</b>
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Future Fund Management Agency	<p>For the period 14 September 2015 to 9 February 2016.</p> <p>1. – 4. Reports on legal services expenditure are provided on an annual basis as at 30 June of each year. Compiling this information separately would be an unreasonable diversion of resources.</p>																				