

Senate Standing Committee on Environment and Communications
Answers to Senate Estimates Questions on Notice
Additional Estimates Hearings February 2013
Broadband, Communications and the Digital Economy Portfolio
Department of Broadband, Communications and the Digital Economy

Question No: 193

Program No. Legal

Hansard Ref: Page 76

Topic: BSA Advice

Senator Birmingham asked:

Today you have issued a statement regarding ACMA's view of the election period definition in the Broadcasting Services Act. When did ACMA finalise that view?

Mr Chapman: I think the view of the ACMA arises out of advices we received last Wednesday evening, as I recall. I may be out by a day but indicatively it was last Wednesday.

Senator Birmingham: You used a plural description of advice there.

Mr Chapman: I used it incorrectly. I am sorry. It was the advice we received.

Senator Birmingham: From whom did the ACMA receive its advice?

Mr Chapman: The advice was provided to us by the department.

Senator Birmingham: The advice took the form of legal advice that had been provided to government?

Mr Chapman: That is correct.

Senator Birmingham: Was the legal advice provided within the department or elsewhere?

Senator Conroy: Could you just clarify that question?

Senator Birmingham: Was the legal advice provided by the department's in-house lawyers or from elsewhere?

Mr Chapman: It was provided by external lawyers to the department.

Senator Birmingham: Are you able to advise the committee as to which firm or who that external lawyer is?

Mr Chapman: It was Australian Government Solicitor.

Senator Birmingham: When was the advice provided to government?

Senator Conroy: Are you asking me now?

Senator Birmingham: I am happy for whoever makes the answer.

Senator Conroy: Mr Chapman would know when it was provided to government. That was what I was trying to clarify. I am happy to ask the departmental officials to say exactly when it was received. I would not want you to get the wrong date. It was sometime last week but I am happy to get you the exact date. I just do not know it off the top of my head.

Senator Birmingham: If they could, thanks.

Answer:

The Australian Government Solicitor provided legal advice to the Government on 6 February 2013.

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Broadband, Communications and the Digital Economy Portfolio
Department of Broadband, Communications and the Digital Economy
Question No: 437

Program No. Legal

Hansard Ref: In Writing

Topic: Legal Costs

Senator Birmingham asked:

1. What sum did each portfolio department and agency spend on legal services for this financial year to date within the department/agency? Please provide a list of each service and costs.
2. What sum did each portfolio department and agency spend on legal services this financial year to date from the Australian Government Solicitor? Please provide a list of each service and costs.
3. What sum did each portfolio department and agency spend on legal services this financial year to date from private firms? Please provide a list of each service and costs.
4. What sum did each portfolio department and agency spend on legal services this financial year to date from other sources? Please provide a list of each service and costs.

Answer:

1. The Department of Broadband, Communications and the Digital Economy total expense on legal services from 1 July 2012 to 31 January 2013 was \$2,732,329. \$521,420 was expensed on external legal service providers. The expense on legal services provided in-house was \$2,210,909. Data on individual contracts of \$10,000 or more is available on *Austender* (www.tenders.gov.au).
2. The department's total expense on legal services provided by the Australian Government Solicitor from 1 July 2012 to 31 January 2013 was \$154,619. Data on individual contracts of \$10,000 or more is available on *Austender* (www.tenders.gov.au).
3. The department's total expense on legal services provided by private law firms from 1 July 2012 to 31 January 2013 was \$355,325. Data on individual contracts of \$10,000 or more is available on *Austender* (www.tenders.gov.au).
4. The department's total expense on legal services provided by other sources from 1 July 2012 to 31 January 2013 was \$11,476. Data on individual contracts of \$10,000 or more is available on *Austender* (www.tenders.gov.au).

The Government does not generally disclose the content of legal advice received by the Government or its agencies. It is important for any government to be able to make fully informed decisions based on comprehensive and confidential legal advice. As such only total figures for legal service expenditure will be provided.