

Senate Economics Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Budget Estimates, 31 May to 2 June 2005

Question: Bud 46

Topic: AOFM – Legal Service Expenditure

Hansard Page: Written

Senator Carr asked:

1. What amount did the Agency spend during the financial year 2004/2005 on outsourced legal practitioners (including private firms, individuals, the Australian Government Solicitor, and any others)?
2. What was the budgeted amount for outsourced legal practitioners in 2004/2005?
3. What amount did the Agency spend on internal legal services? (Provide an estimate if exact amount is unavailable.)
4. Does the Agency have an in-house legal section? If so, what was the 2004/2005 actual cost of this section? What was the budgeted amount for this section in 2004/2005? What is the budget amount for this section in 2005/2006?
5. What is the total projected expenditure on legal services for 2005/2006 for the Agency?
6. Which organisations or individuals were contracted to provide legal services to the Agency in 2004/2005?
7. In each instance, how much was each organisation or individual paid for these services?
8. Does the Agency use an open tendering or select tendering process (as described in the Commonwealth Procurement Guidelines, p 42) when procuring legal services?
9. If a select tendering process is used: (a) which method of select tendering is used and (b) which firms or individuals are currently eligible to tender for legal services?
10. If a multi-use list is used: (a) which firms or individuals are currently on that list and (b) when was the list last opened for applications?
11. In 2004/2005 did the Agency obtain any legal services using a direct sourcing procurement process? If so, provide details including the name of the provider, the work involved and the cost?
12. In 2004/2005 did the Agency procure any legal services under the thresholds required for 'covered procurements' (within the meaning of 8.6 of the Commonwealth Procurement Guidelines)? If so, provide details including the name of the provider, the work involved and the cost.

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13. In 2004/05 did the Agency contract any legal firms to provide services other than legal services (such as consulting, conduct of policy reviews etc)? If so, provide details including the name of the firm, the project involved and the cost of the contract.

Answer:

1. In 2004-05 the AOFM spent \$64,147.30 on legal services.
2. In 2004-05 the budgeted amount for legal services was \$100,000.
3. The AOFM did spend any money on internal legal services during 2004-05.
4. No, the AOFM does not have an in-house legal section.
5. The budgeted amount for legal services for 2005-06 is \$100,000.
6. Two firms provided legal services to the AOFM during 2004-05 – Australian Government Solicitor and Mallesons Stephen Jaques.
7. Please see the table below for details of the firms paid for legal services during 2004-05.

Firm	Services	Amount
AGS	Legal Fees for period 28 June 2004 to 14 July 2004	8,279.70
AGS	Stock Lending legal fees for 14 July 04	299.20
AGS	10 August 04	1,029.60
AGS	27 August 04	343.20
AGS	27-30 August 04	4,075.50
AGS	DRRTA period 12 May to 31 May 04	3,850.00
AGS	Stock Lending - Period for 20 Sept 04	214.50
AGS	Loan Redemption & Conversion ACT 22 -28 Sept 04	7,860.60
AGS	Review of Borrowing Legislation 27 Oct 2004	1,158.30
AGS	AOFM and investment Advisors Licenses	128.70
AGS	Internal Audit Tender for 6 April to 12 April 05	2,499.20
AGS	Review of AOFM delegations 12-25 May 2005	6,692.40
	TOTAL	\$36,430.90
Mallesons Stephen Jaques	*inv 1056277 - Commonwealth swap programs - June03	2,453.00
Mallesons Stephen Jaques	Credit Support Annex Legal Services 08-19.08.2004	2,456.85
Mallesons Stephen Jaques	Credit Support Annex Legal Services 11-14.07.2004	6,214.45
Mallesons Stephen Jaques	Credit Support Annex Legal Services 9-22.09.2004	922.35
Mallesons Stephen Jaques	Legal Services during period 1 Nov to 29 Nov 04	5,411.45
Mallesons Stephen Jaques	Legal Services from 2 March to 7 April 05	7,070.80
Mallesons Stephen Jaques	Legal Services 3 May to 30 May 05	3,187.50
	TOTAL	\$27,716.40
Total expenditure		\$64,147.30

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8. The AOFM's procurement procedures are set out in the agency's Chief Executive Instructions, which comply with the Commonwealth Procurement Guidelines and set out the process to be followed, depending on the value of the procurement.
9. N/A.
10. The AOFM does not use a multi-use list arrangement for legal services.
11. Yes, the details of legal services procured by direct sourcing can be found in the table above in response to question seven.
12. Yes, the details of legal services procured that are under the "covered procurements" threshold in 2004-05 can be found in the table above in response to question seven.
13. No, the AOFM did not contract any legal firms to provide services other than legal services in 2004-05.