

Senate Economics Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Budget Estimates, 31 May to 2 June 2005

Question: Bud 42

Topic: ASIC – 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

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Commonwealth Procurement Guidelines)? If so, provide details including the name of the provider, the work involved and the cost.

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. ASIC spent approximately \$8.828m on outsourced legal practitioners during the financial year 2004/2005.
2. The budgeted amount for outsourced legal practitioners in 2004/2005 was \$12.320m.
3. ASIC spent approximately \$31.297m on internal legal services in 2004/2005.
4. ASIC is a regulatory and enforcement agency. Administering and enforcing laws are our key functions. Accordingly, ASIC employs many in-house lawyers in all relevant areas of its operations.

As noted in answer 3, the cost of ASIC's internal legal services in 2004/2005 was approximately \$31.297m.

The budgeted amount for ASIC's internal legal services in 2004/2005 was \$31.3m.

The budgeted amount for ASIC's internal legal services in 2005/2006 is \$32.235m.

5. ASIC's total projected expenditure on legal services for 2005/2006 is \$44.869m.
6. The organisations or individuals contracted to provide legal services to ASIC in 2004/2005 (as shown in our financial records) include those listed in the table at Appendix A.
7. The total amount paid to each organisation or individual for the services referred to in answer 6 (as shown in our financial records) is listed in the table Appendix A.
8. In appropriate cases, ASIC may use an open tendering process or select tendering process (as described in the Commonwealth Procurement Guidelines) to procure legal services.

However, ASIC primarily relies on its in-house lawyers for the provision of its legal services. The vast bulk of ASIC's external legal service providers are barristers or solicitors who are engaged, on a one-off / as needed basis, for their personal or specialist legal expertise and advocacy skills in the context of current or anticipated litigation or disputes (and are therefore exempt from the Mandatory Procurement Procedures in the Commonwealth Procurement Guidelines).

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9. Not applicable.
10. Not applicable.
11. No.
12. In 2004/2005, ASIC procured legal services which were in the vast majority of cases under the thresholds required for 'covered procurements' (within the meaning of paragraph 8.6 of the Commonwealth Procurement Guidelines). The name of each provider and the cost (as shown in our financial records) are included in the table at Appendix A. The type of work carried out by those providers typically relates to the conduct of litigation or the provision of legal advice in the context of current or anticipated litigation or disputes.
13. No.

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APPENDIX A

EXTERNAL LEGAL SERVICE PROVIDER	Total
A J ABBOTT	25,573
A J DEVER PTY LTD	768,527
A J L BANNON SC	16,971
ADAM BELL SC	4,463
ALAN MACSPORRAN	10,659
ALASTAIR R R VINCENT	9,250
ALEC LEOPOLD	27,351
ALISTER ABADÉE	112,515
ANDREW BEECH	8,551
ANDREW HARDING	4,260
ANDREW S BELL	484
ANTHONY MCINERNEY	72,191
ASHURST	28,161
AUSTRALIAN GOVERNMENT SOLICITOR	202,767
BARRISTERS' CLERKING SERVICES PTY LTD	317,079
BLAKE DAWSON WALDRON	38,999
BOEKEL DE NEREE	1,945
C G COLVIN SC	39,648
C A WILKINS	4,900
CARLA KLEASE	10,000
CAROLYN J CONWAY	3,273
CLARE THOMPSON	7,658
CLAYTON UTZ	24,617
D F JACKSON QC	7,400
DAMIAN CLOTHIER	273
DANIEL MELTZ	2,880
DAVID FRANK CASTLE	865
DAVID R STACK	218,244
DAVID RIGGALL	3,509
DECLAN A KELLY	11,384
DIBBS BARKER GOSLING LAWYERS	542
DREW BOADEN	17,809
EDWARDS MARSHALL & CO	14,718
F P CARNOVALE	84,305
FOLEY'S LIST PTY LTD	74,403
FRANCOIS KUNC	14,845
G H MURPHY	1,050
G P MCNALLY	44,336
G C LINDSAY SC	54,079
G J MCNAUGHT PTY LTD	240,498
GEOFFREY T JOHNSON	12,683
GILBERT TOBIN LAWYERS	8,280
GLENN BARTLEY	11,934
GORDON & JACKSON	97,432
GREGORY M EGAN	50,142
HARTWELL LAWYERS	43,540

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HENRICI, WICKI & GUGGISBERG	82,122
HENRY DAVIS YORK LAWYERS	695,228
J A LOGAN SC	8,945
JACKSON MCDONALD	1,399
JAMES STEVENSON SC	55,329
JEHANE I GHABRIAL	13,438
JEREMY CLARKE	9,460
JEREMY STOLJAR	21,754
JOHN BASTEN QC	5,545
JOHN DAVIES	11,860
JOHN GRAVES SC	21,750
JOHN GRIFFITHS SC	15,800
JOHN NICHOLAS SC	1,750
JOHN PEDEN	3,265
JOHN-PAUL REDMOND	2,700
JOSEPH MCGRATH	49,907
JUDY BRIEN	13,420
JULIAN HAMMOND	875
JULIAN O'SULLIVAN	364,800
JUSTIN HOGAN-DORAN	4,880
K J MARTIN QC	12,375
KATE MORGAN	1,909
KEN ROBSON	1,791
KEVIN ANDRONOS	2,217
KEVIN J PRIESTLY	400
LENNON AND HYLAND	3,738
LEX SILVESTER	8,617
LOVEGROVE & ELIOT	2,489
M K STUNDEN	1,455
MADELINE BRENNAN	10,432
MALCOLM OAKES SC	1,114
MARGARET HOCH	11,206
MARGARET SNEDDON	12,109
MARK BUSCOMBE	2,000
MARK HOFFMANN	67,322
MARK RITTER	11,139
MATTHEW K CONRICK	3,650
MCGRATH NICOL & PARTNERS	141,919
MICHAEL A WIGNEY	46,191
MICHAEL BURNETT	25,700
MICHAEL GREEN PTY LTD	229,010
IAN JACKMAN SC	20,900
G A THOMPSON SC	25,186
MURUGAN THANGARAJ	1,350
NICHOLAS FERRETT	24,500
NICK BEAUMONT	478,297
NICK BILINSKY	2,430
NIGEL WILSON	4,355
NOEL HUTLEY SC	1,200

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NYE PERRAM	4,353
P E HACK SC	85,000
P J ROBERTS	1,882
PAUL BEVILACQUA	12,938
PAUL HOLMES BARRISTERS CLERK PTY LTD	8,650
PETER H CLARK SC	149,266
PETER J FLANAGAN SC	12,725
PETER LENNON BARRISTERS CLERK	6,049
PETER RONEY	149,107
PHILIP DURACK	730,712
PHILIP MORRISON QC	8,945
PRICEWATERHOUSECOOPERS LEGAL	8,389
R A MULHOLLAND	17,898
R B S MACFARLAN QC	1,160,365
R J HOWELLS PTY LTD	182,816
R K EASSIE	7,300
R M DERRINGTON	32,465
R BUCKTOWONSING	216
RACHEL FRANCOIS	7,588
ROBERT BEECH-JONES	15,457
ROBERT BROMWICH	3,822
ROBERTSON WRIGHT SC	34,728
RON LADLAY	4,791
SAMANTHA RANDALL	1,770
SANDRAH FODA	5,396
SCOTT MCLEOD	991
SEAN O'SULLIVAN	300
SEBASTIANS SOLICITORS	23,731
SIGRID HIGGINS	2,748
SIMON STRETTON	4,125
SIMON T WHITE SC	32,163
SIR LAURENCE STREET	9,502
SJ BERWIN	449,342
STEPHEN GAGELER SC	37,019
STEPHEN KEIM SC	13,233
STEPHEN W CLIMPSON	81,910
STEVEN RARES SC	27,903
STUART DONALDSON SC	63,636
SUE BROWN	40,662
T D CASTLE	20,773
TERRENCE LYNCH	1,103
WAYNE GORDON MUDDLE	7,119
WAYNE JOHN TOLTON	6,800
WAYNE S MARTIN QC	13,186
WENDY BUCKLEY	36,924
MCDONALD JOHNSON LAWYERS	1,210
BRET WALKER SC	3,000
PURCELL INSOLVENCY LAWYERS	1,541
CANNING WEIL MACGILLIVRAY HALLIGAN	756

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STRONGMAN & CROUCH SOLICITORS	866
JP SESTO & CO	1,000
Grand Total	8,828,392