

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

Resources, Energy and Tourism Portfolio

Supplementary Budget Estimates

18 October 2012

Question: SR51

Topic: Legal Costs

Proof Hansard Page: Written

Senator Bushby asked:

2011-12 Financial Year:

1. What sum did each portfolio department and agency spend on legal services for 2011-12 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 for 2011-12 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 from private firms for 2011-12? Please provide a list of each service and costs.
4. What sum did each portfolio department and agency spend on legal services for 2011-12 from other sources? Please provide a list of each service and costs.

Financial Year to Date:

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:

The Department

2011-12 Financial Year

1. The Department spent \$735,657 on internal legal services for the 2011-12 financial year.
Note: Secondments are reported under Australian Government Solicitor (AGS) legal fees.
2. The Department spent the following amount on legal services from the Australian Government Solicitor:

Australian Government Solicitor	\$1,410,138.69
Constitutional	\$14,101.39
Grants & Funding Agreements	\$42,304.16
Indigenous Legal Issues	\$14,101.39
Intellectual Property	\$42,304.16
International Law	\$2,820.28
Legislation	\$42,304.16
Litigation & Disputes	\$211,520.80
Misc Advice	\$2,820.28
Property	\$2,820.28
Regulatory & Governance Issues	\$352,534.67
Secondments	\$676,866.56
Statutory Interpretation	\$2,820.28
Tax, Customs & Revenue Advice	\$2,820.28

Note: The Department's Financial Management system does not classify legal invoices by matter type. It is therefore not possible to report the above expenditure by service type.

3. The Department spent the following amount on legal services from private firms:

Baker & McKenzie	\$1,247,372.58
Grants & Funding Agreements	\$212,053.34
Regulatory & Governance Issues	\$103,5319.24
Clayton Utz	\$306,146.14
Employment	\$33,676.07
Grants & Funding Agreements	\$88,782.38
Litigation & Disputes	\$64,290.69
Probity	\$104,089.69
Property	\$15,307.31
Deloitte	\$2,200.00
DLA Piper Australia	\$65,807.00
Probity	\$65,807.00
King & Wood Mallesons	\$290,835.01
Grants & Funding Agreements	\$229,759.66
Probity	\$49,441.95
Property	\$11,633.40
Minter Ellison Lawyers	\$224,719.26
Debt Recovery	\$4,494.38
Grants & Funding Agreements	\$186,516.98
Intellectual Property	\$13,483.16
Regulatory & Governance Issues	\$13,483.16
Trade practices	\$6,741.58
Norton Rose	\$1,216,360.53
Contracts & MOUs	\$12,163.60
Grants & Funding Agreements	\$547,362.24
Intellectual Property	\$36,490.82
Legislation	\$145,963.26
Litigation & Disputes	\$72,981.63
Montara Response	\$182,454.08
Policy	\$12,163.61
Probity	\$36,490.82
Regulatory & Governance Issues	\$170,290.47

Sparke Helmore	\$261,383.52
Probity	\$261,383.52
Less contribution from other Departments to shared matters	
DIISR	-58,663.45
DRALGAS	-58,663.45

Note: The Department's Financial Management system does not classify legal invoices by matter type. It is therefore not possible to report the above expenditure by service type.

4. The Department spent the following amount on legal services from other sources:

Attorney General's Department	\$79,244.30
Constitutional	\$37,244.82
International Law	\$34,075.05
Legislation	\$792.44
Regulatory & Governance Issues	\$7,131.99

Note: The Department's Financial Management system does not classify legal invoices by matter type. It is therefore not possible to report the above expenditure by service type.

Financial Year to Date

1. The Department's total legal spend on internal services was \$216,385 for the current financial year to 30 October 2012.

Note: Secondments are reported under AGS legal fees.

2. The Department spent \$311,566 on legal services from the AGS this financial year to 30 October 2012. This consisted of the following services and categories of advice:

Advice	Cost
Constitutional advice	\$30,326
In-House Counsel	\$8,464
Indigenous law issues	\$24,775
Intellectual Property	\$1,064
Litigation	\$31,093
Property	\$7,321
Regulatory advice	\$44,232
Secondments	\$163,317
Tax and Revenue	\$974
TOTAL	\$311,566

3. The Department spent \$236,090.71 on legal services from private firms to 30 October 2012:

Firm/Service	\$Amount
Baker & McKenzie	\$108,115.84
Grants & Funding Agreements	\$108,115.84
Clayton Utz	\$15,843.45
Employment	\$11,331.95
Litigation & Disputes	\$4,000.00
Property	\$511.50
Corrs Chambers Westgarth	\$1,500.00
Grants & Funding Agreements	\$1,500.00
DLA Phillips Fox	\$532.40
Probity	\$532.40

King & Wood Mallesons	\$746.00
Regulatory & Governance Issues	\$746.00
Minter Ellison	\$66,744.3
Debt Recovery	\$126.00
Grants & Funding Agreements	\$30,115.30
Intellectual Property	\$1,770.20
Litigation & Disputes	\$34,732.80
Norton Rose	\$36,431.86
Grants & Funding Agreements	\$27,123.21
Intellectual Property	\$4,726.30
Litigation & Disputes	\$4,582.35
Sparke Helmore	\$6,176.86
Probity	\$6,176.86
TOTAL	\$236,090.71

4. The Department has spent \$170 on counsel fees during the current financial year to 30 October 2012. AGS In-house counsel fees are reported under the response to question 2.

Geoscience Australia

2011-12 Financial Year

1. Geoscience Australia (GA) spent \$71,742.86 on legal cost for the 2011-12 financial year. Details are provided in questions 2 and 3.
2. GA spent \$496.00 on legal services from the AGS:

Service & Provider	Cost
Australian Government Solicitor \$496.00 (FOI and Privacy)	\$496.00

3. GA spent \$71,246.86 on legal costs from private firms:

Service & Provider	Cost
Minter Ellison Lawyers - Agency agreements \$1946.30 (preparation/review of Agreement) \$17986.70 (preparation/review of Memorandum of Understandings) \$25706.09 (review of panel deed and draft contract)	\$45,639.09
Minter Ellison Lawyers - General legal advice \$4877.10 (access to records) \$2626.80 (publication of Journal articles) \$884.80 (publications of photographs) \$4788.90 (website Disclaimer)	\$13,177.60
Ashurst Australia- Human resources advice \$5448.49 (Enterprise Agreement Advice) \$784.70 (Contractor Issues) \$1641.20 (Shift Allowance) \$1256.50 (Employment issues) \$817.50 (Employment issues) \$626.10 (Employment issues) \$1398.30 (Employment issues) \$457.40 (Employment issues)	\$12,430.17
Total Paid to Private Firms	\$71,246.86

4. GA did not spend any sum on legal services from other sources in 2011-12.

Financial Year to Date

1. GA has spent a total of \$14,867.19 this financial year to date on legal services. Details are provided in question 3.
2. GA has not used the AGS for legal services this financial year to date.
3. GA has spent a total of \$14,867.19 on legal services from private firms this financial year to date as follows:

Service & Provider	Cost
Minter Ellison Lawyers - Agency agreements \$6587.00 (preparation/review of contract)	\$6,587.00
Minter Ellison Lawyers - General legal advice \$2,500.00 (Website Disclaimer) \$2,500.00 (Access to records)	\$5,000.00
Ashurst Australia - Human resources advice \$2519.98 (HR and Management Issues) \$760.21 (HR issues)	\$3,280.19
Total Paid to Private Firms	\$14,867.19

4. No legal services from other sources have been obtained this financial year to date.

Tourism Australia**2011-12 Financial Year**

1. Tourism Australia (TA) spent \$317,444.28 on legal services in 2011-12 financial year. As there are in excess of 200 invoices for multiple matters, it is not practical to itemise each service and cost. Instead, the aggregate cost for each law firm is provided below. As TA is a global organisation with several international offices, TA engages local law firms in region.
2. TA did not enlist the services of the AGS for the 2011-12 financial year.
3. As there are in excess of 200 invoices for multiple matters, it is not practical to itemise each service and cost. Instead, the aggregate amount for each law firm is provided. TA engages external lawyers in Australia and overseas to provide advice on employment law, litigation, intellectual property, contractual matters, probity and general commercial and governance matters. In 2011-12 TA engaged the following legal service providers:

Service provider	\$Amount
Ashurst Australia (Blake Dawson Waldron)	\$159,325.37
Bell Gully	\$139.43
Bevans Solicitors	\$936.77
Clayton Utz	\$52,839.20
Condon and Forsyth	\$9,274.04
Craddock Murray Neumann	\$9,199.34
Deacons	\$42,592.97
DLA Piper UK LLP	\$15,387.85
DLA Piper UK LLP	\$2,906.23
Fraser Milner Casgrain LLP	\$3,918.69
Freshfields Bruckhaus Deringer	\$5,525.84
Kochhar & Co	\$481.21
Langton Hudson Butcher	\$4,604.14
McCarthy Tetrault LLP	\$336.40
McGrath LLP Solicitors	\$9,976.80
Total	\$317,444.28

- TA did not spend any sum on legal services from other sources in 2011-12.

Financial Year to Date

- TA spent \$74,789.56 on legal services for the financial year to date. As there are in excess of 35 invoices for multiple matters, it is not practical to itemise each service and cost. Instead, the aggregate cost for each law firm is provided below.
- TA did not enlist the services of the AGS for the 2011-12 financial year for legal services.
- As there are in excess of 35 invoices for multiple matters, it is not practical to itemise each service and cost. Instead, the aggregate amount for each law firm is provided. TA engages external lawyers in Australia and overseas to provide advice on employment law, litigation, intellectual property, contractual matters, probity and general commercial and governance matters. This financial year to date, TA has engaged the following legal service providers:

Service provider	\$Amount
Ashurst	28,182.04
Clayton Utz	13,594.24
Deacons	15,476.56
DLA Piper UK LLP	11,936.90
Craddock Murray Neumann Lawyers	2,750.00
Bell Gully	145.06
McCarthy Tetrault LLP	387.68
Kochhar & Co.	326.83
Bae, Kim & Lee LLC	1,990.25
Total	\$74,789.56

- TA has not spent any sum on legal services from other sources this financial year to date.

National Offshore Petroleum Safety and Environmental Management Authority

2011-12 Financial Year

There are in excess of 70 invoices for the multiple matters, it is not practicable to itemise each service and cost. NOPSEMA only engages the Australian Government Solicitor, which is consulted in matters regarding; Commercial and Contract, Compliance, Environment Issues, Freedom of Information, Employment Law, Investigations and Statutory Interpretation. As published on the NOPSEMA website, NOPSEMA is required to report a *Statement of Legal Services Expenditure* for each financial year to the Office of Legal Services Coordination (OLSC).

- NOPSEMA's total external legal spend for 2011-12 is \$372,321.40 (Including GST).
This does not include internal expenses (salaries) of internal NOPSEMA legal staff who provide legal advice in-house.
- NOPSEMA's total spend on legal services obtained from the Australian Government Solicitor (AGS) in 2011-12 is \$350,710.62 (Including GST).
The \$21,610.78 difference from question 1 is because this figure does not include external legal spend on briefs to counsel and associated disbursements (court/tribunal filing fees and the like) as whilst these payments are made through AGS, rather than directly by NOPSEMA, they are not attributable to services provided by AGS.
- NOPSEMA did not obtained any legal services from private firms during the 2011-12 financial year.
- NOPSEMA did not obtained any legal services from other sources during the 2011-12 financial year.

Financial Year to Date

1. NOPSEMA's total external legal spend this financial year to date is \$30,141.32 (GST inclusive). This does not include internal expenses (salaries) of internal NOPSEMA legal staff who provide legal advice in-house.
2. NOPSEMA's total spend on legal services obtained from AGS this financial year to date is \$30,141.32 (GST inclusive).
3. NOPSEMA has not obtained any legal services from private firms this financial year to date.
4. NOPSEMA has not obtained any legal services from other sources this financial year to date.

Australian Solar Institute

2011-12 Financial Year

1. The Australian Solar Institute (ASI) spent \$95,073 on legal services in 2011-12 financial year. Please refer to **Attachment A** for details.
2. ASI did not enlist the services of the AGS for the 2011-12 financial year.
3. **Attachment A** includes details of legal expenses.
4. ASI did not spend any sum on legal services from other sources in 2011-12

Financial Year to Date

1. ASI has spent \$17,231 on legal services this financial year to date. Please refer to **Attachment A** for details.
2. ASI has not enlisted the services of the AGS this financial year to date.
3. **Attachment A** includes details of legal expenses.
4. ASI has not spent any sum on legal services from other sources this financial year to date.

ATTACHMENT A

Australian Solar Institute's Legal Expenses for the 2011-12 Financial Year

Legal Expenses 2011/2012			
21/07/2011	Minter Ellison	Advice on Tripartite Agreements with ANU & CSIRO	1,060.80
11/08/2011	Minter Ellison	US Exchange Program	2,964.80
11/08/2011	Minter Ellison	Advice on Tripartite Agreements with ANU & CSIRO	1,376.00
11/08/2011	Minter Ellison	ASI - Audit	400.00
13/09/2011	Minter Ellison	US Exchange Program	1,198.50
13/09/2011	Minter Ellison	Establishment of ARENA	9,600.00
13/09/2011	Minter Ellison	General - Corporate	816.50
17/11/2011	Minter Ellison	Establishment of ARENA	7,636.10
15/12/2011	Minter Ellison	Establishment of ARENA	6,135.60
16/01/2012	Minter Ellison	Legislative Change	8,786.40
16/01/2012	Minter Ellison	CSIRO-USASEC Funding Agreement	6,000.00
15/02/2012	Minter Ellison	General - Corporate	514.00
15/02/2012	Minter Ellison	CSIRO-USASEC Funding Agreement	1,439.40
23/02/2012	Minter Ellison	ASI - Audit	400.00
14/03/2012	Minter Ellison	General - Corporate	607.90
14/03/2012	Minter Ellison	CSIRO-USASEC Funding Agreement	4,669.60
14/03/2012	Minter Ellison	Legislative Change	2,758.80
14/03/2012	Minter Ellison	Facebook terms and conditions	2,000.00
18/04/2012	Minter Ellison	General - Corporate	671.50
18/04/2012	Minter Ellison	Establishment of ARENA	2,028.90
18/04/2012	Minter Ellison	CSIRO-USASEC Funding Agreement	6,478.60
17/05/2012	Minter Ellison	CSIRO-USASEC Funding Agreement	3,900.00
17/05/2012	Minter Ellison	Strategic Research Initiative	3,480.80
17/05/2012	Minter Ellison	Legislative Change	250.80
20/06/2012	Minter Ellison	General - Corporate	1,644.80
20/06/2012	Minter Ellison	Strategic Research Initiative	11,074.20
20/06/2012	Minter Ellison	CSIRO-USASEC Funding Agreement	3,855.60
30/06/2012	Minter Ellison	Legislative Change	3,323.10
Total			95,072.70

Australian Solar Institute's Legal Expenses for the 2011-12 Financial Year

Legal Expenses 2012/2013			
31/07/2012	Minter Ellison	ASI - Audit	400.00
21/08/2012	Minter Ellison	General - Corporate	504.55
21/08/2012	Minter Ellison	University of Melbourne Waiver Letter	1,627.25
12/10/2012	Minter Ellison	Legislative Change	665.90
12/10/2012	Minter Ellison	General - Corporate	3,241.20
12/10/2012	Minter Ellison	Strategic Research Initiative	10,792.00
Total			\$17,230.90