

## Senate Standing Committee on Education and Employment

### QUESTIONS ON NOTICE Additional Estimates 2013-2014

#### Cross Portfolio

#### Department of Employment Question No. EM0473\_14

Senator Ludwig provided in writing.

#### Question

##### Legal Costs

1. List all legal costs incurred by the department or agency since 7 September 2013.
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/spend briefing, whether it was direct or indirect briefing, the gender ratio of Counsel, how each Counsel was engaged (departmental, ministerial).
4. How was each piece of advice procured? Detail the method of identifying legal advice.

#### Answer

##### 1. Timeframe for consideration

The Department of Employment was established on 18 September 2013. The following tables detail the legal costs incurred from that date until 28 February 2014.

##### 2. Cost of Legal Services

Source	Hours	Costs (exc GST) **
Internal	Not all time recorded *	\$5,602,197 ***
External	1,174	\$386,449

\* The internal hours taken to prepare advice by in-house lawyers is not available as not all lawyers in the department time record.

\*\* The costs are estimates until settlement of finances following the machinery of government changes. The cost per level of lawyer is not available.

\*\*\* The cost of internal legal services is reported in line with the requirements set out in the *Legal Service Directions 2005* and in the Australian National Audit Office's Best Practice Guidelines for Legal Services. They include all direct and indirect costs. Direct costs include salary, stationery, equipment and learning and development costs. Indirect costs include electricity, rent and other corporate overheads. The figures provided are also reported annually to the Attorney-General's Department.

### 3. Counsel/ Barrister

Briefing Source	Costs (Exc GST)	Number of Male Counsel	Number of Female Counsel
Indirectly	\$72,405	2	1
Directly	\$1,919	0	1

The department does not separately identify the cost of solicitors briefing counsel. In general, counsel/barrister's costs are by the day or half day, therefore total hours is not available. All matters briefed to counsel have been done so by the department. There have been no matters briefed by the Minister.

### 4. Procurement process

External legal services were procured using the Attorney-General's Department's Legal Services Multi-Use List (LSMUL) arrangements. Under the LSMUL agencies can establish parcelling arrangements for the supply of legal services. Parcelling Deeds were entered into by the Department of Education, Employment & Workplace Relations in May 2013 and continue to apply to the Department of Employment.

The decision to engage external lawyers is made by either the Chief Counsel (Workplace Relations Legal) or General Counsel (Corporate Legal) taking into account the specifics of each individual matter.