

**Senate Standing Committee on Education and Employment**

**QUESTIONS ON NOTICE  
Additional Estimates 2013-2014**

**Agency - Comcare**

**Department of Employment Question No. EM0475\_14**

**Senator Ludwig provided in writing.**

**Question**

**Comcare - Legal Costs**

List all legal costs incurred by the department or agency since 7 September 2013

1. 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
2. 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)
3. How was each piece of advice procured? Detail the method of identifying legal advice

**Answer**

Please note that all costs below are GST inclusive.

*1. 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.*

\* Comcare has defined cost to mean legal professional fees, excluding disbursements and excluding counsel fees which have been captured under point 2.

**Source\* of legal advice**

Ashurst	\$51,475
Australian Government Solicitor	\$2,092,678
Bartier Perry	\$36,016
Clayton Utz	\$86,650
Dibbs Barker	\$41,082
DLA Piper	\$122,957
Gadens Lawyers	\$23,794
Holding Redlich	\$5,383
Hunt & Hunt	\$8,491
HWL Ebsworth	\$131,638
Minter Ellison Lawyers	\$88,085
Norton Rose	\$35,271

Slater & Gordon	\$11,000
Sparke Helmore Lawyers	\$1,256,739
Thomsons Lawyers	\$27,542
<b>Total</b>	<b>\$4,018,801</b>

\* Comcare has defined source to mean the author of the legal advice

**Total advice expenditure**

- External advice expenditure: \$3,964,861
- Internal advice expenditure: \$53 940

**Hours retained or taken to prepare advice**

This data is not readily available and it would be an unreasonable diversion of resources to provide.

*2. 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).*

Team	How Sourced		Gender		Level		Expenditure
	Direct	Indirect	Male	Female	Senior	Junior	
Asbestos and Common Law	2	21	25	0	7	18	\$44,008
Corporate & Administrative Law	8	1	8	4	7	5	\$43,185
SRC Legal	24	58	49	33	6	76	\$777,970
Regulatory Legal	1	4	3	2	1	4	\$33,658
<b>Total</b>	<b>35</b>	<b>84</b>	<b>75</b>	<b>39</b>	<b>21</b>	<b>103</b>	<b>\$898,821</b>

Details of the hours spent briefing Counsel is not readily available and it would be an unreasonable diversion of resources to provide.

*3. How was each piece of advice procured? Detail the method of identifying legal advice.*

Each piece of advice was procured in accordance with the Commonwealth LSMUL Guidelines and the Commonwealth Procurement Guidelines (CPG's) either directly or indirectly through Comcare's legal service providers.

The method of identifying legal advice is per Comcare's Standing Instructions.