

**SENATE STANDING COMMITTEE ON  
EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS**

**QUESTIONS ON NOTICE  
SUPPLEMENTARY ESTIMATES 2009-10**

**Agency**                                    **Comcare**  
**DEEWR Question No.**                **EW607\_10**

Senator Marshall asked on 21 October 2009, EEWHR Hansard page 23

**Question**

***PROFESSIONAL FEES PAID TO PANEL MEMBERS AND ADVOCATES***

On notice, I would like to know who is on the panel and, of those who are on the panel—and this is both for solicitors and advocates—how much they were paid over the last financial year.

The CEO responded — Yes.

**Answer**

Comcare has provided the following response:

Comcare's legal services arrangements consist of the Legal Services Branch with access to external legal services through a panel arrangement. The Legal Services Branch is led by General Counsel, who is a member of Comcare's Executive. General Counsel manages the Legal Services Branch as well as the panel of external legal service providers to assist Comcare to achieve its outcomes in an efficient and cost-effective manner.

In 2008-09, Comcare's total legal expenditure was \$27,583,073.

Of that, Comcare spent \$19,812,210 on external legal services and \$7,770,863 on internal legal services. Comcare's legal expenditure is calculated and reported in accordance with paragraphs 12.3(f) and 11.1(da) of the Commonwealth's *Legal Services Directions 2005* expenditure reporting requirements.

Comcare does not maintain a panel in respect of Counsel or advocates. Comcare engages Counsel in accordance with Appendix D of the *Legal Services Directions 2005* and Counsel are paid in accordance with their rate approved by the Office of Legal Services Coordination in the Attorney-General's Department.

Table 1 below shows the members of Comcare's panel of external legal service providers and the professional fees paid to each member of the panel in 2008-2009:

**Table 1. Amount paid to Comcare Legal Services Panel Members 2008 - 2009**

	Professiona l Fees	Counsel	Disbursement s Including Expert Reports	Total
Australian Government Solicitor	\$5,476,623	\$600,188		\$6,076,811
Blake Dawson Waldron	\$240,321	\$0		\$240,321
Dibbs Barker	\$3,782,967	\$268,791		\$4,051,758
HWL Lawyers	\$267,829	\$10,545		\$278,374
DLA Phillips Fox	\$480,656	\$98,237		\$578,893
Minter Ellison	\$1,656,442	\$44,739		\$1,701,181
Sparke Helmore	\$4,247,645	\$402,299		\$4,649,944
Clayton Utz *	\$63,575	\$0		\$63,575
Comcare Direct Brief		\$153,844		\$153,844
Sub-total			\$2,017,509 **	\$2,017,509
<b>TOTAL</b>	\$16,216,058	\$1,578,643	\$2,017,509	<b>\$19,812,210</b>

\* Clayton Utz is not a member of Comcare's panel of external legal service providers. These fees were paid by Comcare when it assumed the management of certain asbestos-related claims formerly managed by the Department of Defence under the *Asbestos-related Claims (Management of Commonwealth Liabilities) Act 2005*.

\*\* The disbursements and expert report expenditure cannot be broken down between service providers.

Comcare incurs legal expenditure across three functions that include the management of premium and pre-premium claims under the *Safety, Rehabilitation and Compensation Act 1988*, compliance and enforcement activities related to the *Occupational Health and Safety Act 1991* and management of common law asbestos liabilities under the *Asbestos-related Claims (Management of Commonwealth Liabilities Act) 2005*.

Table 2 below provides the approximate breakdown of external legal expenditure by Comcare function.

**Table 2. External Legal Expenditure related to Comcare functions**

	Function	Total Legal Expenditure
Output Group 1, Output Group 3, and Output Group 4	<i>Safety, Rehabilitation and Compensation Act 1988</i> , including <ul style="list-style-type: none"> <li>• SRC Act Regulation</li> <li>• Management of Premium Claims and</li> <li>• Management of Pre Premium Claims</li> </ul>	\$14,650,529
Output Group 2	<i>Occupational Health and Safety Act 1991</i> Regulation	\$1,045,383
Output Group 6	Management of Common law asbestos liabilities under the <i>Asbestos-related Claims (Management of Commonwealth Liabilities) Act 2005</i>	\$3,872,077
	Other	\$244,221
	<b>TOTAL</b>	<b>\$19,812,210</b>