

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Finance and Administration Portfolio

Australian Electoral Commission

Budget Estimates Hearings, 25-26 May 2005

Question: F83

Outcome: Australian Electoral Commission

Topic: Legal services expenditure

Written Question on Notice: 6 June 2005

Senator Ludwig 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 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:

The AEC advises as follows:

1. A total of \$533,624 to 31 May 2005. This total is for all legal costs, and therefore may include items such as court costs. The AEC's financial management system is unable to provide further breakdown.
2. The AEC's budget estimate for all legal costs for 2004/05 was \$573,189.
3. Nil.
4. No. The AEC does not have an in-house legal unit.
5. The AEC has budgeted for \$600,000 in 2005/06. This may be revised during the year.
6. Four legal firms constitute the AEC's Legal Panel, namely Australian Government Solicitor, Minter Ellison, Sparke Helmore and Deacons.
7. Australian Government Solicitor - \$411,767.94 (GST exclusive). This figure includes all disbursements to counsel for hearings. Specific identification of these payments cannot be extracted.
Minter Ellison - \$34,630.35 (GST exclusive)
Deacons - \$49,992 (GST exclusive).
8. Yes. The AEC's Legal Panel was established through an open tender process.
9. Not applicable.
10. The AEC has not established a multi-use list for legal services.
11. Mr Peter Hanks QC was engaged on 8 October 2004 to give advice about a possible injunction. He was paid \$209,555.
12. All legal services procured by the AEC were below the procurement thresholds stipulated in 8.6 of the Commonwealth Procurement Guidelines. The AEC's financial management system is unable to provide a case-by-case breakdown of payments to the AEC's Legal Panel. Details of payments for non Legal Panel services are provided in the previous answer.
13. Yes. Minter Ellison to scope a review of the *Commonwealth Electoral Act 1918*, for which payments to date total \$9,957. Minter Ellison to review the postal voting process in the 2004 federal election. The cost of that consultancy was \$83,791.93.