

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Finance and Administration Portfolio

CSS/PSS Board

Budget Estimates Hearings, 25-26 May 2005

Question: F86

Outcome: CSS/PSS Board

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 a 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-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, please 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 2004/2005 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.

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Answer:

1. The amount spent in 2004-05, year to date, is \$221,963.
2. The budgeted amount for outsourced legal practitioners for 2004-05 is \$158,000.
3. Nil.
4. The PSS Board does employ staff with legal qualifications. However, there is no formal legal section within the agency.
5. The total projected expenditure on legal services for 2005-06 is \$230,000.
6. The following organisations were contracted to provide legal services to the PSS Board during 2004-05:

Blake Waldron Dawson
Henry Davis York
Mallesons Stephen Jacques

7. The following table shows the amounts paid and work involved. The amounts shown are in respect of relevant public moneys and excludes expenditure related to the management and investment of the PSS Fund.

Legal Firm	Project	Project Cost
Blake Dawson Waldron	Advice regarding reserves and crediting rates	\$4,413
Blake Dawson Waldron	Advice regarding allocation of costs between Board and Fund	\$3,305
Blake Dawson Waldron	Advice regarding structure of PSS/PSSAP investments	\$7,651
Henry Davis York	Advice regarding ASIC – Project 1	\$3,811
Mallesons Stephen Jacques	Advice on invalidity review procedures	\$4,204
Mallesons Stephen Jacques	Advice on transition management agreement	\$1,856
Mallesons Stephen Jacques	General Advice	\$3,755
Mallesons Stephen Jacques	Advice regarding PSS insurance RFP	\$2,660
Mallesons Stephen Jacques	Advice regarding PSSAP	\$3,837
Mallesons Stephen Jacques	Advice regarding unitisation of PSS Fund	\$1,024
Mallesons Stephen Jacques	Advice regarding PSS PDS	\$1,424
Mallesons Stephen Jacques	Advice regarding structure of PSS/CSS	\$168
Mallesons Stephen Jacques	Advice regarding PSSAP PDS	\$49,760
Mallesons Stephen Jacques	General corporate advice	\$467

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Mallesons Stephen Jacques	Advice regarding supplementary PDS	\$203
Mallesons Stephen Jacques	Advice regarding PSSAP PDS	\$104,004
Mallesons Stephen Jacques	Advice regarding Annual Member Statements	\$3,381
Mallesons Stephen Jacques	Advice regarding PSS AFSL License	\$1,802
Mallesons Stephen Jacques	Advice regarding PSS DB PDS	\$2,561
Mallesons Stephen Jacques	Advice regarding PSSAP Insurance Policies	\$21,677

8. The PSS Board will apply the open tendering process when procuring legal services that do not fall under the 'covered procurement' provisions of the Commonwealth Procurement Guidelines.
9. Not applicable.
10. Not applicable.
11. Not applicable.
12. Please refer to answer 7 above which provides a listing of the provider, work involved and cost.
13. No.