

**Senate Finance and Public Administration Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
**SUPPLEMENTARY BUDGET ESTIMATES 2011-2012**

**Finance and Deregulation Portfolio**

**Department/Agency:** Department of Finance and Deregulation

**Outcome/Program:** General

**Topic:** Legal Costs

**Senator:** Ryan

**Question reference number:** F81

**Type of question:** Written

**Date set by the committee for the return of answer:** Friday, 2 December 2011

**Number of pages:** 2

**Question:**

- a) What sum did each portfolio department and agency spend on legal services for the year 2010-11 within the department and agency? Please provide a list of each service and costs.
- b) What sum did each portfolio department and agency spend on legal services for the year 2010-11 from the Australian Government Solicitor? Please provide a list of each service and costs.
- c) What sum did each portfolio department and agency spend on legal services for the year 2010-11 from private firms? Please provide a list of each service and costs.
- d) What sum did each portfolio department and agency spend on legal services for the year 2010-11 from other sources? Please provide a list of each service and costs.
- e) What sum did each portfolio department and agency spend on legal services FYTD within the department and agency? Please provide a list of service and costs.
- f) What sum did each portfolio department and agency spend on legal services FYTD from the Australian Government Solicitor? Please provide a list of each service and costs.
- g) What did each portfolio department and agency spend on legal services FYTD from private firms? Please provide a list of each service and costs.
- h) What sum did each portfolio department and agency spend on legal services FYTD from other sources? Please provide a list of each service and costs.

**Answer:**

- a) The Department of Finance and Deregulation (Finance) reports annually on its legal services expenditure, as required under the *Legal Services Direction 2005*. Finance's legal expenditure for the 2010-11 financial year is published on the department's website.

b)- c) The external legal professional fees paid by Finance (including Comcover) for the 2010-11 financial year are as follows:

<b>Provider</b>	<b>\$</b>
Australian Government Solicitor	\$4,864,388.81
Blake Dawson	\$3,288,098.57
Clayton Utz	\$2,408,879.29
Corrs Chambers Westgarth	\$3,586,064.94
Freehills	\$3,061,157.45
Mallesons Stephen Jaques	\$105,521.29
Minter Ellison Lawyers	\$934,926.13
DLA Piper	\$3,464,320.07
Johnson Winter & Slattery	\$627,597.81
Maddocks Lawyers	\$54,528.97
Moray and Agnew	\$2,273,339.63
Norton Rose	\$526,882.88
Norton White Lawyers	\$742.80
Sparke Helmore Lawyers	\$61,031.04

d) Refer to the response to part (a).

e)-h) It would involve an unreasonable diversion of resources to provide a list of Finance's legal professional fees for the 2011-12 financial year to date.

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**Finance and Deregulation Portfolio**

**Department/Agency:** Australian Electoral Commission  
**Outcome/Program:** General  
**Topic:** Legal Costs

**Senator:** Ryan

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**Answer:**

a) to d) The answers to the questions raised in paragraphs a) to d) are contained in the publicly released 'Report on Legal Services Expenditure 2010-11' (as required to be published in compliance with paragraph 11.1(ba) of the Legal Services Directions 2005) and appear at the following link [http://www.aec.gov.au/About\\_AEC/Publications/legal.htm](http://www.aec.gov.au/About_AEC/Publications/legal.htm). The AEC is unable to provide any further breakdown of the actual services involved without risking legal professional privilege.

e) to h) The AEC only maintains records in accordance with the ensuring compliance with the reporting requirements contained in with paragraph 11.1(ba) of the Legal Services Directions 2005. The AEC has incurred \$39 974.12 for external legal services and disbursements during the period 1 July 2011 to 30 September 2011.

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**Finance and Deregulation Portfolio**

**Department/Agency:** ComSuper  
**Outcome/Program:** General  
**Topic:** Legal costs

**Senator:** Ryan

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**Answer:**

- a) Please refer to [http://www.comsuper.gov.au/reports/legal\\_services.shtml](http://www.comsuper.gov.au/reports/legal_services.shtml) for expenditure in accordance with the Legal Services Directions.
- b) In 2010-11 ComSuper spent \$830,645 on legal services for ComSuper's administration of superannuation schemes that apply to current and former Australian Government civilian employees and Australian Defence Force (ADF) members. Legal advice is sought as required by the Legal Services Directions 2005 and principally in relation to disputes that arise with members concerning their superannuation benefits and entitlements and appeals to the Administrative Appeals Tribunal, the Superannuation Complaints Tribunal or the Federal Court. The Department of Finance and Deregulation gives an Administered Annual Appropriation to the Chief Executive of ComSuper to issue drawing rights under section 27 of the FMA Act in relation to the payment of superannuation, compensation and legal expenses and act of grace payments.
- ComSuper's direct expenditure with AGS for the financial year 2010-11 was \$79,959.
- For privacy reasons a list of legal services with respect to specific disputes with members and costs is not provided.
- c) \$4,235
- d) ComSuper did not acquire legal services from other sources in 2010-11.
- e) Direct expenditure on legal services for the FYTD (at 30 September 2011) for external services is \$17,044 and internal services of \$417,869.
- f) \$17,044
- g) ComSuper has not acquired legal services from private firms for the FYTD (at 30 September 2011).
- h) ComSuper has not acquired legal services from other sources for the FYTD (at 30 September 2011).

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**Finance and Deregulation Portfolio**

**Department/Agency:** Future Fund Management Agency

**Outcome/Program:** General

**Topic:** Legal costs

**Senator:** Ryan

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**Answer:**

a)–d) Please refer to

[http://www.futurefund.gov.au/data/assets/pdf\\_file/0006/4668/Legal\\_Services\\_Expenditure\\_Reporting\\_-\\_Year\\_ending\\_30\\_June\\_2011\\_A211629.pdf](http://www.futurefund.gov.au/data/assets/pdf_file/0006/4668/Legal_Services_Expenditure_Reporting_-_Year_ending_30_June_2011_A211629.pdf) for disclosures in accordance with the Legal Services Directions.

e)–h) Reports on legal services expenditure are provided on an annual basis as at 30 June of each year. Compiling this information separately would be an unreasonable diversion of resources.



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**Finance and Deregulation Portfolio**

**Department/Agency:** Commonwealth Superannuation Corporation  
**Outcome/Program:** General  
**Topic:** Legal costs

**Senator:** Ryan

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**Answer:**

CSC reports annually on its legal services financial year expenditure to the Attorney-General, as required under the *Legal Services Directions 2005*, and publishes it in the Annual Report to Parliament, page 247 (Table A3). Weblink here:

[http://www.aria.gov.au/annualreport/1011/appendix\\_1011.shtml#anchor-8](http://www.aria.gov.au/annualreport/1011/appendix_1011.shtml#anchor-8)

It would involve a significant diversion of resources to provide financial year to date figures.