

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
SUPPLEMENTARY BUDGET ESTIMATES 2012-2013

Finance and Deregulation Portfolio

Department/Agency: Department of Finance and Deregulation

Outcome/Program: General

Topic: Legal costs

Senator: Ryan

Question reference number: F91

Type of question: Written

Date set by the committee for the return of answer: Friday, 30 November 2012

Number of pages: 2

Question:

- a) What sum did each portfolio department and agency spend on legal services for 2011-12? Please provide a list of each service and costs.
- b) What sum did each portfolio department and agency spend on legal services for 2011-12 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 2011-12? Please provide a list of each service and costs.
- d) What sum did each portfolio department and agency spend on legal services for 2011-12 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 for this financial year to date within the department/agency? Please provide a list of each service and costs.
- f) What sum did each portfolio department and agency spend on legal services this financial year to date from the Australian Government Solicitor? Please provide a list of each service and costs.
- g) What sum did each portfolio department and agency spend on legal services this financial year to date 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 this financial year to date from other sources? Please provide a list of each service and costs.

Answer:

- a) The Department of Finance and Deregulation's (Finance) legal expenditure for the 2011-12 financial year is available at <http://www.finance.gov.au/publications/index.html>.

For privacy reasons and to ensure legal professional privilege is not lost a further breakdown of each service is not provided. A breakdown of each cost would involve an unreasonable diversion of resources.

- b) For the 2011-12 financial year Finance reported to Office of Legal Services Coordination (OLSC) a total expenditure for services provided by the Australian Government Solicitor of \$5,516,623 (GST inclusive) which includes expenditure by Comcover. For privacy reasons and to ensure legal professional privilege is not lost a further breakdown of each service and cost is not provided.
- c) For the 2011-12 financial year Finance reported to OLSC a total expenditure for services provided by private law firms of approximately \$17.5 million (GST inclusive) which includes expenditure by Comcover.

For privacy reasons and to ensure legal professional privilege is not lost a further breakdown of each service and associated cost is not provided. For the same reasons, expenditure of very small amounts with firms used on a one off occasion has not been provided.

- d) Nil to report beyond that provided at the answer to a) above.
- e)-h) It would involve an unreasonable diversion of resources to compile data on Finance's current financial year legal spend ahead of the mandated annual reporting to OLSC.

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
SUPPLEMENTARY BUDGET ESTIMATES 2012-2013

Finance and Deregulation Portfolio

Department/Agency: Australian Electoral Commission

Outcome/Program: General

Topic: Legal costs

Senator: Ryan

Question reference number: F91

Type of question: Written

Date set by the committee for the return of answer: Friday, 30 November 2012

Number of pages: 1

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- g) What sum did each portfolio department and agency spend on legal services this financial year to date 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 this financial year to date from other sources? Please provide a list of each service and costs.

Answer:

a) – h) The Australian Electoral Commission (AEC) reports annually on its legal services expenditure, as required under the *Legal Services Direction 2005*. The AEC's legal expenditure for the 2011/2012 financial year is available at http://www.aec.gov.au/About_AEC/Publications/legal.htm

It would involve an unreasonable diversion of resources to compile data on the AEC's current financial year legal spend ahead of the mandated annual reporting.

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
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Finance and Deregulation Portfolio

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

Senator: Ryan

Question reference number: F91

Type of question: Written

Date set by the committee for the return of answer: Friday, 30 November 2012

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Answer:

a) - d)

ComSuper reports annually on its legal services expenditure, as required under the Legal Services Direction 2005. ComSuper's legal expenditure for the 2011-12 financial year is available at:

http://www.comsuper.gov.au/reports/legal_services.shtml.

- e) ComSuper has spent \$315,654 on legal services within the agency, between 1 July and 30 September 2012. For privacy reasons a list of legal services with respect to specific disputes with members and costs is not provided.
- f) Year to date ComSuper has spent \$6,923 on legal services with the Australian Government Solicitor (AGS). There was a further \$20,921 spent on legal services from the AGS from the Administered Legal Expenditure from the Consolidated Revenue Fund (CRF). This was 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.
- g) Year to date, ComSuper has not acquired legal services from external legal providers other than the AGS. There was a further \$6,190 spent on legal services from legal providers other than the AGS from the Administered Legal Expenditure from the CRF.
- h) Nil.

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SUPPLEMENTARY BUDGET ESTIMATES 2012-2013

Finance and Deregulation Portfolio

Department/Agency: Commonwealth Superannuation Corporation

Outcome/Program:

Topic: Legal costs

Senator: Ryan

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Answer:

- a) See Attachment A.
- b) See Attachment A.
- c) See (a) above
- d) See Attachment A.
- e) See Attachment B.
- f) Total costs for legal services from Australian Government Solicitor year to date are Nil.

- g) See Attachment B.
- h) See Attachment B.

Legal costs for FY 2011-12

Attachment A

Legal Service Provider	Amount	Service
Allens Linklaters	21,316	Various legal services
Arnold Bloch Leibler	4,500	
Australian Government Solicitor	23,043	
Clarendon Lawyers	6,353	
Henry Davis York	99,999	
HWL Ebsworth	4,814	
McArdle Legal	8,192	
Minter Ellison	5,491	
King & Wood Malleons	629,328	
Norton Gledhill	2,573	
	805,609	

Legal costs FYTD 2012-13

Attachment B

Legal Service Provider	Amount
Allens Linklaters	350
Henry Davis York	11,221
McArdle Legal	138
King & Wood Malleons	65,353
	83,005

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
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Finance and Deregulation Portfolio

Department/Agency: Future Fund Management Agency

Outcome/Program:

Topic: Legal costs

Senator: Ryan

Question reference number: F91

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Answer:

a– d) Please refer to

http://www.futurefund.gov.au/about_the_future_fund/mandatory_reporting 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.