

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
ATTORNEY-GENERAL'S DEPARTMENT

**Portfolio**

**Question No. 119**

**Senator Humphries asked the following question at the hearing on 12 February 2013:**

Legal costs

- a) 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.
- b) 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.
- c) 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.
- d) 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.

**The answer to the honourable senator's question is as follows:**

**ATTORNEY-GENERAL'S DEPARTMENT**

a)

<b>Total legal services expenditure</b>	<b>\$10,165,762</b>
Total external legal services expenditure	\$7,612,600
Total internal legal services expenditure	\$2,553,162

The breakdown of total external legal services expenditure is as follows:

<b>Total external legal services expenditure.</b>	<b>\$7,621,600</b>
Total value of counsel briefs	\$285,286
Total disbursements (excluding counsel)	\$183,476
Total professional fees paid	\$7,143,838

Details of individual matters are not maintained centrally and the cost to provide this information would require an unreasonable diversion of resources.

b)

<b>Description</b>	AGS
<b>Total professional fees paid</b>	\$6,552,307

Details of individual matters are not maintained centrally and the cost to provide this information would require an unreasonable diversion of resources.

c)

<b>Description</b>	Private Firms
<b>Total professional fees paid</b>	\$2,737,728

Details of individual matters are not maintained centrally and the cost to provide this information would require an unreasonable diversion of resources.

d)

<b>Description</b>	Other Sources
<b>Total professional fees paid</b>	\$875,727

Details of individual matters are not maintained centrally and the cost to provide this information would require an unreasonable diversion of resources.

## PORTFOLIO AGENCIES

### Administrative Appeals Tribunal

- a) Agency's legal spend 1 July 2012 – 28 February 2012 was \$42,109.94 and is detailed in the table below:

Location	Total Cost (ex-GST)
Legal advice on request for tender	\$28,882.74
Legal advice on copyright law	\$13,227.20
<b>Total</b>	<b>\$42,109.94</b>

- b) \$42,109.94 in year-to-date legal fees incurred were paid to the Australian Government Solicitor (AGS).
- c) Nil.
- d) Nil.

### Australian Commission for Law Enforcement Integrity

- a) Not available. Under the *Legal Services Directions 2005*, agencies regulated by the *Financial Management and Accountability Act 1997* are required to publish the records of their legal services expenditure for the financial year by 30 October each year. To identify the information sought would require an unreasonable diversion of resources at this time.
- b) In the financial year to 31 January 2013, the Australian Commission for Law Enforcement Integrity (ACLEI) has spent \$8,412 (ex GST) in fees to the Australian Government Solicitor, for a legal advice.
- c) In the financial year to 31 January 2013, ACLEI has spent \$101 on legal services from a private firm, to finalise negotiations for office accommodation.
- d) Nil.

### Australian Crime Commission

The total legal services expenditure for the financial year to date (YTD) is **\$3,192,496**.<sup>1</sup>

- a) YTD spend on legal services within the ACC.

<b>Total</b>	<b>\$2,000,548</b>
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<sup>1</sup> All figures provided are GST exclusive.

b) YTD spend on legal services from AGS.

Professional Fees	\$430,768
Senior Counsel	\$117,562
Junior Counsel	\$423,163
Disbursements	\$5,447
<b>Total</b>	<b>\$976,940</b>

c) YTD spend on legal services from private firms.

Ashurst Law Firm – Professional fees	<b>\$2,144</b>
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d) YTD spend on legal services from other sources.

Counsel Engaged on Retainer – Sashi Maharaj QC	\$199,534
Lennon’s List Barristers’ – Counsel Garry Livermore	\$5,921
Greens List Barristers – Counsel Carmen Currie	\$1,000
Foley’s List – Counsel Raelene Sharp	\$4,000
Dever’s List – Counsel Richard Niall	\$2,409
<b>Total</b>	<b>\$212,864</b>

#### **Australian Customs and Border Protection Service**

- a) The total expenditure on legal services within the Agency was \$2,175,291.51, which can be broken down into \$1,991, 444.29 for employees and \$183,847.22 for suppliers
- b) The total expenditure on AGS from 01 July 2012 to 31 January 2013 was \$1,851,121.55. This was made up of \$1,421,635.71 Legal Fees, \$192,981.66 Disbursements and \$236,504.18 Counsel Fees
- c) The total expenditure on Private firms from 01 July 2012 to 31 January 2013 was \$61,286.11. This can be broken down by firms as follows:
  - Ashurst Australia \$9,782.90

- Clayton Utz \$14,251.58
  - Dibbs Barker Gosling \$544.39
  - DLA Piper Australia \$2,886.54
  - Norton Rose Australia \$2,500.70
  - Proximity Advisory Services \$31,320.00.
- d) Legal Services were not procured from other sources this financial year.

### Australian Federal Police

a)

Direct salary costs	\$3,428,518
Indirect salary costs	\$769,033
Direct overhead	\$419,600
Indirect overhead	\$1,677,916
Legal unit overhead	\$26,175
Learning and development overhead of officers	\$40,061
<b>Total Costs</b>	<b>\$6,361,303*</b>

\*Figures apply to both AFP Legal and AFP Proceeds of Crime Litigation (POCL).

- b) Legal services from the Australian Government Solicitor amounted to \$1,276,459.08.
- c) Legal services from private firms were as follows:
- DLA Piper \$16,920.44
  - Clayton Utz \$121,490.96
  - HWL Ebsworth \$602,882.30
- d) Legal services from other sources were as follows:
- Wendy J Abraham QC \$9,900.00
  - Mr Christopher O'Donnell \$14,178.00
  - In addition, POCL spent \$93,382.57 (GST Exclusive) on barristers and \$33,156.49 (GST Exclusive) on court filing fees.

### Australian Government Solicitor

The Australian Government Solicitor (AGS) is a government business enterprise operating on a commercial and competitive basis in providing legal and related services to government and its agencies. AGS does not receive any Budget or other appropriations and its employees are

engaged outside of the *Public Service Act 1999*. The question is therefore not applicable to AGS.

### **Australian Human Rights Commission**

Under the *Legal Services Directions 2005*, agencies regulated by the *Financial Management and Accountability Act 1997* are required to make the records of their legal services expenditure for the financial year public by 30 October each year. It is the normal practice to collate these figures and determine legal services expenditure closer to the October deadline. To identify the information sought at this early stage would require an unreasonable diversion of resources at this time.

### **Australian Institute of Criminology**

- a)-c) Under the *Legal Services Directions 2005*, agencies regulated by the *Financial Management and Accountability Act 1997* are required to make the records of their legal services expenditure for the financial year public by 30 October each year. It is the normal practice to collate these figures and determine legal services expenditure closer to the October deadline. To identify the information sought at this early stage would require an unreasonable diversion of resources at this time.
- d) N/A

### **Australian Law Reform Commission**

- a)-d) Nil

### **Australian Security Intelligence Organisation**

For security reasons it would not be appropriate to comment publicly on this matter.

### **AUSTRAC**

- a) \$675,378.48 (excluding GST). This is a total expense figure comprising salaries and on costs for AUSTRAC's internal legal team, amounts paid to the Australian Government Solicitor and to private firms – that is, includes amounts shown at b) and c).
- b) \$24,356.42 (excluding GST). Expense comprises various advices on both internal and external matters.
- c) \$2,279.80 (excluding GST). Expense comprises various advices on both internal and external matters.

d) Nil.

### **CrimTrac**

a) Costs associated with in-house legal team:

• Salary	\$400,511.90
• Performance Pay	\$0.00
• Superannuation	\$64,446.13
• Leave (LSL and AL)	\$143,033.00
• Taxis	\$538.00
• Airfares	\$0.00
• Accommodation	\$0.00

b)

<b>Australian Government Solicitor</b>	<b>\$</b>
Legal Advice*	17,424.56
Legal Advice*	70,038.60
Legal Advice*	21,243.31
Legal Advice - NPCS	1,650.00
Legal Advice – Legislation (shared total cost with Commonwealth Attorney-General’s Department)	11,198.33
Legal Advice - NPCS	993.30
Purchase of templates and precedents	18,700.00
Legal Advice – NCIDD	22,031.97
Legal Advice	1,614.86
Legal Advice – Legislation (shared total cost with Commonwealth Attorney-General’s Department)	9250.00
Legal Advice*	2,989.31
	3,586.11
<b>Total</b>	<b>\$180, 20.35</b>

(\*) some Legal costs related to this item were paid for by the Attorney-General’s Department, with most payments being retrieved through cost recovery from CrimTrac. To itemise a final split of legal costs across the two areas would involve an unreasonable diversion of resources.

c)

<b>Clayton Utz</b>	<b>\$</b>
Legal Advice	<b>823.28</b>
<b>Murdoch Clarke Barristers &amp; Solicitors</b>	
Business Name Registration (Tasmania)	<b>99.00</b>

d) Nil

## **Family Court of Australia**

The totals for each category have been shown below, however to identify the detail of the information sought would require an unreasonable diversion of resources at this point in time.

- a) \$30,247 (GST Exclusive)
- b) \$13,841 (GST Exclusive)
- c) Blake Dawson Waldron \$16,405 (GST Exclusive)
- d) The Court has an internal resource; however calculation of the total cost is undertaken at end of financial year.

## **Federal Court of Australia**

*Please note: From 1 July 2012 the National Native Title Tribunal (NNTT) is no longer a Financial Management and Accountability Act 1997 Agency, and is funded to carry out its functions as a sub-program of the Federal Court of Australia's appropriation. Expenditure mentioned in the following responses includes that incurred by the NNTT.*

- a) Total internal legal services expenditure for 2011-12: \$525,956.16. Detailed information on individual matters and transactions for which internal legal services was provided is not retained centrally and its provision would require an unreasonable diversion of resources.
- b) Total professional fees paid to Australian Government Solicitor for 2011-12: \$55,659.94. Detailed information on individual matters and transactions for which these legal services was provided is not retained centrally and its provision would require an unreasonable diversion of resources.
- c) Total professional fees paid to private firms for 2011-12: \$76,175.06 as follows:
  - EMA Legal \$11,464.00
  - Ashurst (Blake Dawson) \$42,457.30
  - Holding Redlich \$13,737.90; and
  - Clayton Utz \$8,515.86

Detailed information on individual matters and transactions for which these legal services was provided is not retained centrally and its provision would require an unreasonable diversion of resources.

- d) Total professional fees on other external legal services for 2011-12: \$19,409.00 as follows:
  - Office of Legislative Drafting and Publishing: \$12,212.73
  - Counsel \$6,095.00; and



- Disbursements: \$1,101.27.

Detailed information on individual matters and transactions for which these legal services was provided is not retained centrally and its provision would require an unreasonable diversion of resources.

*Please also note: In regard to responses (a), (b), (c) and (d) above, under the Legal Services Directions 2005, agencies regulated by the Financial Management and Accountability Act 1997 are required to make the records of their legal services expenditure for the financial year public by 30 October each year. It is the normal practice to collate these figures and determine legal services expenditure closer to the October deadline. To identify the information sought at this early stage would require an unreasonable diversion of resources at this time.*

### **Federal Magistrates Court of Australia**

The totals for each category have been shown below, however to identify the detail of the information sought would require an unreasonable diversion of resources at this point in time.

- a) \$13,525 (GST Exclusive)
- b) \$13,525 (GST Exclusive)
- c) \$0
- d) \$0

### **High Court of Australia**

- a) Nil
- b) \$30,557.60 (ex GST) was spent on legal advice on procurement, employment, taxation, FOI and moral rights matters.
- c) Nil
- d) Nil

### **Insolvency and Trustee Service Australia (ITSA)**

- a) \$345,549 (1 July 2012 to 31 January 2013). Costs for each service cannot be disclosed for commercial reasons
- b) \$336,810 (1 July 2012 to 31 January 2013). Costs for each service cannot be disclosed for commercial reasons
- c) \$323,894 (1 July 2012 to 31 January 2013). Costs for each service cannot be disclosed for commercial reasons
- d) Nil.

### **National Native Title Tribunal**

The NNTT will not be providing a response to this question, as from 1 July 2012 the National Native Title Tribunal is no longer a *Financial Management and Accountability Act 1997* Agency, and is funded to carry out its functions as a sub-program of the Federal Court of Australia's appropriation.

### **Office of the Australian Information Commissioner**

Under the *Legal Services Directions 2005*, agencies regulated by the *Financial Management and Accountability Act 1997* are required to make the records of their legal services expenditure for the financial year public by 30 October each year. It is the normal practice to collate these figures and determine legal services expenditure closer to the October deadline. To identify the information sought at this early stage would require an unreasonable diversion of resources at this time.

### **Office of the Commonwealth Director of Public Prosecutions**

- a) For the period 1 July 2012 to 31 January 2013 the CDPP has spent \$29,745 (incl. GST) on legal services. Of this:
- \$10,838 (incl. GST) to Australian Government Solicitor for advice and administrative support in relation to the CDPP's response to the Australian Human Rights Commission (AHRC) People Smuggling Inquiry.
  - \$7,741 (incl. GST) to Australian Government Solicitor for procurement advice.
  - \$10,729 (incl. GST) to Ashurst relating to property lease matters.
  - \$437 (incl. GST) to Hunt and Hunt for a property related matter.

Note: Legal expenses exclude legal costs associated with the handling of criminal prosecutions and related proceedings (in accordance with the *Legal Services Directions 2005*)

- b) For the period 1 July 2012 to 31 January 2013 the CDPP spent \$18,579 (incl. GST) on legal services to the Australian Government Solicitor. Please see answer a) above.
- c) For the period 1 July 2012 to 31 January 2013 the CDPP spent \$11,166 (incl. GST) on legal services to private firms. Please see answer a) above.
- d) N/A

**Office of Parliamentary Counsel**

- a) Nil.
- b) \$8,237.10 was paid to the Australian Government Solicitor.
- c) Nil.
- d) Nil.