

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Question No. 1

Senator Ludwig asked the following question at the hearing on 24 May 2006:

- (a) What sum did the department or agency spend during 2005-2006 on external legal services (including private firms, the Australian Government Solicitor and any others).
- (b) What sum did the department or agency spend on internal legal services.
- (c) What is the department or agency's projected expenditure on legal services for 2006-2007.

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

The Australian Government Solicitor advises that the question is not applicable to them. The question appears to be directed at the departments and agencies that receive legal services under outsourced and/or in-house arrangements, rather than the legal practices, such as the Australian Government Solicitor (AGS) and private legal firms, that provide externally based legal services to government.

The Australian Law Reform Commission advises that they have not spent any money on legal services in 2005-06 and they have no projected expenditure for legal services in 2006-07.

Expenditure by the Department and other agencies is as follows:

Attorney-General's Department

- a) The Attorney-General's Department spent \$6,112,137.26 (including GST) on external legal services between 1 July 2005 and 30 June 2006.

These figures exclude amounts of legal services expenditure relating to the *Hague Convention on the Civil Aspects of International Child Abduction* and the *United Nations Convention on the Recovery Abroad of Maintenance* and international obligations under various bilateral maintenance arrangements. These are recorded separately because they do not constitute the purchase of legal services by the Department for itself. Rather, they arise as the Department pays for legal services that benefit other parties as a result of obligations under international agreements.

- b) The Department does not have a legal services branch as such. Within the Department, there are units that provide both internal and external services, principally the Office of International Law, the Office of Legislative Drafting and Publishing, and the Counsel assisting the Solicitor-General. Legal services are provided at no cost to the areas of the Department receiving the services. There is no billing arrangement for internal legal services and separate records are not kept about this expenditure. These expenses are treated as part of the aggregate of staffing costs for the Department.

An estimate of the cost of internal legal services has been derived from an assessment of the number of staff involved in providing internal legal services and the proportion of their time involved in providing those services. The staff of the Office of International Law devoted to providing internal legal services are the full time equivalent of 0.5 of an APS3, 1.0 Legal

Officer, 1.0 Senior Legal Officer, 1.0 Principal Legal Officer and 0.75 of an SES Officer. The staff of the Office of Legislative Drafting and Publishing devoted to providing internal legal services are the full time equivalent of 0.2 of a Legal Officer, 1.0 Senior Legal Officer, 0.5 of a Principal Legal Officer and 0.1 of an SES Officer. 0.5 full time equivalent of the Counsel assisting the Solicitor-General (a Principal Legal Officer) is devoted to providing legal services to the Department. Other internal legal services provided from time to time by other areas of the Department are not sufficiently material to separately cost.

The cost of internal legal services was then estimated based on salary levels for these positions and increased by a factor reflecting typical staffing and other overheads within the Department.

By this method, it is estimated that approximately \$1.04 million was spent on internal legal services by the Department in 2005–06.

In addition, for a portion of 2005-06 internal legal services in relation to commercial law were provided by an officer seconded from the Australian Government Solicitor at a cost of \$46,573.12.

In addition, the costs of the Solicitor-General (including salary) are met by the Department.

- c) The Department's projected expenditure on external legal services for 2006-2007 is approximately \$6.7 million (excluding GST). In addition, it is estimated that the cost of internal legal services will be approximately \$1.08 million in 2006-2007.

Administrative Appeals Tribunal

- a) \$70,055 as at 13 June 2006, excluding GST.
- b) Nil.
- c) \$15,000.

Australian Crime Commission

- a) The expenditure for the period 1 July 2005 to 8 June 2006 is \$586,234 (excluding GST).
- b) Internal legal services include salaries, superannuation and all on-costs for all lawyers and paralegals employed by the ACC. The expenditure for the period 1 July 2005 to 8 June 2006 is \$1,789,875 (excluding GST).
- c) The projected expenditure on legal services in 2006-07 is \$2,773,157.

Australian Customs Service

- a) In 2005-06 (to 30 April 2006), Customs expenditure on external legal services with its major providers was:

Legal Service Provider	Expenditure (excluding GST)
Australian Government Solicitor	\$6,139,624
Blake Dawson Waldron	\$266,692
Clayton Utz	\$379,646
Dibbs Barker Gosling	\$5,861
Phillips Fox	\$3,927
Total	\$6,795,750

- b) Nil.

- c) Base budget funding for legal expenditure in 2006-07 is expected to be \$7.651 million.

Australian Federal Police

- a) The total expenditure for external legal services in 2005-06 is \$2,512,097.34 (GST inclusive).

FIRM	CONTACT	TOTAL SPEND	FEES	DISBURSEMENTS
Australian Government Solicitor	Jenny Anderson	\$2,045,681.05	\$1,442,407.13	\$417,302.79
Dibbs Abbott Stillman, QLD Office	Paul Venus, Partner	\$315,420.95	\$137,305.50	\$149,874.11
Clayton Utz	Peter Crowley, Partner	\$124,251.60	\$112,939.00	\$17.00
Dr James Renwick	Barrister	\$10,889.82	\$7,109.33	\$3,889.82
Phillips Fox	Ben Coogan, Lawyer	\$15,853.92	\$13,380.00	\$2,473.92
	TOTAL	\$2,512,097.34	\$1,713,140.96	\$573,557.64

- b) As at 16 June 2006, the AFP recorded an expenditure of approximately \$2,434,047.00 for internal legal services. This figure includes cost components for salaries, recreation leave, long service leave, superannuation, workers compensation, office running expenses, training

expenses and travel expenses. The AFP maintains offices to assist in prosecution and judicial support and summons and subpoena preparations. The costs of these offices are not reflected in the AFP expenditure.

- c) The 2006/2007 legal budget has not been finalised.

Australian Institute of Criminology and Criminology Research Council

- a) The Australian Institute of Criminology (AIC) has spent to date \$18,975 and the Criminology Research Council (CRC) has spent to date \$3,391 on external legal services. (These figures are GST exclusive.)
- b) The AIC and the CRC did not spend any funds on internal legal services.
- c) The AIC has budgeted \$10,000 for legal services for 2006-07. The CRC has a nil projection.

Australian Security Intelligence Organisation

a) – c) For reasons of national security, ASIO does not generally provide detailed financial information below Organisational level.

Australian Transaction Reports and Analysis centre (AUSTRAC)

- a) \$694,255.14 (GST inclusive)
- b) Nil.
- c) \$683,100.

CrimTrac

- a) \$ 194,928.49 (excluding GST).
- b) Nil.
- c) \$313,000 (excluding GST).

Office of the Director of Public Prosecutions

- a) \$30,535.34 (GST included)
- b) The function of the CDPP is to carry out criminal prosecutions and related proceedings and the whole CDPP budget is directed to that purpose.
- c) \$25,000.

Family Court

- a) \$115,629 GST excluded (Full year projected expenditure as at 15 June 2006).
- b) \$120,462 GST excluded (Full year projected expenditure as at 15 June 2006).
- c) \$188,557 (\$63,000 for external providers and \$125,557 for dedicated 'in house' legal services).

Federal Court

- a) \$52,488 (Full year projected expenditure, including GST).
- b) Nil.
- c) Approximately the same expenditure levels are expected as in 2005-06 ie \$52,000.

Federal Magistrates Court

- a) The Federal Magistrates Court has spent \$28,463.51 (GST exclusive) on external legal services to date (20 June 2006).
- b) Nil.
- c) \$40,000 is budgeted for 2006/07.

High Court of Australia

- a) The High Court spent \$11,403 (excluding GST), during 2005-06 on external legal services.
- b) Nil.
- c) The 2006-07 budget for legal services is \$15,000.

Human Rights and Equal Opportunity Commission (HREOC)

- a) For the period from 1 July 2005 to 9 June 2006 \$55,572 (excluding GST).
- b) For the period 1 July 2005 to 30 May 2006 HREOC spent \$639,508 (excluding GST).
- c) The legal budget for 2006-07 has not yet been approved.

Insolvency and Trustee Service Australia (ITSA)

- a) During 2005-06 the Insolvency and Trustee Service Australia spent \$1,074,040 (GST exclusive) on external legal services, as at 16 June 2006.
- b) Nil.
- c) The Insolvency and Trustee Service Australia does not project significantly different expenditure on legal services for 2006-2007.

National Native Title Tribunal

- a) \$47,055 excluding GST as at 16 June 2006.
- b) \$526, 878 as at 16 June 2006 (excludes GST as none payable).
- c) External \$80,000 (excludes GST).
Internal \$592,668 (excludes GST as none payable).

Total \$672,668 (excludes GST if payable).

Office of Film and Literature Classification

- a) The Office of Film and Literature Classification (OFLC), on behalf of itself, the Classification Board and the Classification Review Board, spent \$73,393 (excluding GST) during 2005-06 on external legal services (includes private firms, the Australian Government Solicitor and the Attorney-General's Department). Expenditure is for services delivered and paid during 2005-06.
- b) The OFLC spent \$69,049.80 (GST exclusive) on internal legal services including the management of external legal services.
- c) The OFLC's projected expenditure on legal services for 2006-07 is approximately \$100,000.

Office of Parliamentary Counsel

- a) Nil.
- b) Nil.
- c) \$50,000.

Office of the Privacy Commissioner

- d) \$91,938 excluding GST (1 July 2005 - 30 May 2006).
- e) Nil.
- f) The budget for legal services has not yet been finalised.