

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

Sub Program 1.2.1

Question No. 168

Senator Barnett asked the following question at the hearing on 27 May 2009:

In relation to external legal costs across all departments, the Attorney-General has announced purchasing should be more centralised and make better use of in house lawyers:

- a) What is the current and proposed process, criteria or factors considered, for Departments in determining where to seek legal advice?
- b) Could you provide details on current arrangements where the Attorney-General's Department, the Australian Government Solicitor or Federal agencies provides legal advice to other Commonwealth Departments/agencies? What rates, costs, agreements or terms and conditions apply?
- c) Could you provide detail of the cost of providing legal advice to other Commonwealth Departments/agencies for the period November 2007 to present on a Department/agency basis and in each case the nature and cost of the advice?

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

- a) Agency Heads determine where to seek legal advice in accordance with their obligations under the *Financial Management and Accountability Act 1997* (Cth) and Commonwealth Procurement Guidelines.

Subject to arrangements in individual agencies, agency heads may seek legal advice from in-house legal teams, external law firms including the Australian Government Solicitor, the private Bar, and the Solicitor-General in particularly important or significant matters.

- b) The Office of International Law within the Attorney-General's Department provides advice to other agencies. It charges for some of that advice, namely, advice on the implementation of international law in Australia. The Australian Government Solicitor provides legal advice on a competitive commercial basis, and the Department of Foreign Affairs and Trade provides advice on public international law without cost.

The advice provided by the Office of International Law on the implementation of international law in Australia is able to be billed to the client Department and agency. The hourly billing rates are as follows:

Classification	Hourly Rates		
	Total	GST excl.	GST
SES Band 2	\$530.00	\$481.80	\$48.20
SES Band 1	\$485.00	\$440.90	\$44.10
Principal Legal Officer	\$380.00	\$345.45	\$34.55
Senior Legal Officer (upper pay point classification)	\$305.00	\$277.25	\$27.75

Senior Legal Officer (lower pay point classification)	\$260.00	\$236.35	\$23.65
Legal Officer (upper pay point classification)	\$210.00	\$190.90	\$19.10
Legal Officer (lower pay point classification)	\$190.00	\$172.70	\$17.30
APS 3–6	\$180.00	\$163.65	\$16.35

c) The Attorney-General's Department does not collect this information.