

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

Group 2

Program 1.1

Question No. 60

Senator Brandis asked the following question at the hearing on 30 May 2013:

Senator BRANDIS: ... For what percentage of litigation work is the Australian Government Solicitor retained by FMA Act agencies and CAC Act agencies?

Mr Minogue: We do not have figures for the breakdown of work.

Senator BRANDIS: You do not disaggregate that?

Mr Minogue: That is right, we do not disaggregate it at the level of the type of work AGS does for different agencies.

Senator BRANDIS: But you must, because the legal services expenditure report tells us.

Mr Minogue: It tells us the services provided by the providers and the expenditure that the providers earn, but it does not tell us for what services.

Senator BRANDIS: Either you misunderstood my question or I did not put it properly. All I wanted to know is what the breakup is of work done by the AGS for, respectively, FMA Act agencies and CAC Act agencies.

Mr Wilkins: Separately or together?

Senator BRANDIS: Separately.

Mr Fredericks: That is in relation to all legal services expansion, not just litigation.

Senator BRANDIS: Correct.

Mr Minogue: We have a total for both FMA and CAC agencies that AGS has earned, but it is not broken down between FMA and CAC.

Senator BRANDIS: Can you take that question on notice?

Mr Minogue: We can.

Mr Wilkins: Let us take it on notice and see if we can figure that out. It sounds like we might have the data.

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

According to annual reports provided by agencies to the Office of Legal Services Coordination, in 2011-12 the Australian Government Solicitor received:

- (a) 40.19% of the total professional legal fees paid by FMA agencies; and
- (b) 25.42% of the total professional legal fees paid by CAC Act agencies.

Agencies do not report to the Department in relation to the total amount of expenditure on specific areas of legal work, including litigation, but report total internal and external legal services expenditure. Accordingly, the Department is not able to provide the percentage of litigation work of FMA and CAC agencies that is retained by the Australian Government Solicitor.