

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

Portfolio

Question No. 90

Senator Humphries asked the following question at the hearing on 30 May 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:

For the 2012-13 financial year information up to 31 January 2013, please refer to QoN 119 from the Additional Estimates round. The information provided below is for the period 1 February to 31 May 2013.

ATTORNEY-GENERAL'S DEPARTMENT

a)

Total legal services expenditure	\$3,041,937
Total external legal services expenditure	\$2,279,348
Total internal legal services expenditure	\$762,589

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

Total external legal services expenditure	\$2,279,348
Total value of counsel briefs	\$634,182
Total disbursements (excluding counsel)	\$96,460
Total professional fees paid	\$1,548,706

b)

Description	AGS
Total amount paid (inclusive of GST, Counsel fees and disbursements)	\$1,438,833

c)

Description	Private Firms
Total amount paid (inclusive of GST, Counsel fees and disbursements)	\$348,196

d)

Description	Other Sources
Total amount paid (inclusive of GST, Counsel fees and disbursements)	\$492,318

PORTFOLIO AGENCIES

Administrative Appeals Tribunal

- a) \$454.86 – final costs from advice on a request for tender.
- b) \$454.86 – for services listed above, paid to the Australian Government Solicitor.
- 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) Between 1 February and 31 May 2013, the Australian Commission for Law Enforcement Integrity (ACLEI) spent \$298 (ex GST) in fees to the Australian Government Solicitor, for legal advice.
- c) Nil.
- d) Nil.

Australian Crime Commission (ACC)

The total legal services expenditure from 1 February – 31 May 2013 is \$1,424,319.32. All figures provided below are GST exclusive.

- a) Spend on legal services within the ACC from 1 February – 31 May 2013 was \$1,106,669.
- b) Spend on legal services from AGS from 1 February – 31 May 2013.

Professional Fees	\$178,863.97
Senior Counsel	\$20,498.57
Junior Counsel	\$14,348.20
Disbursements	\$2,481.38
Total	\$216,192.13

- c) Spend on legal services from private firms from 1 February – 31 May 2013.

Sparke Helmore – Professional fees	\$2,529.65
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Sparke Helmore – Senior Counsel	\$2,135.50
Total	\$4,665.15

d) Spend on legal services from other sources from 1 February – 31 May 2013.

Counsel Engaged on Retainer – Sashi Maharaj QC	\$85,647.59
Lennon’s List Barristers’ – Counsel Garry Livermore	\$11,145.45
Total	\$96,793.04

Australian Customs and Border Protection Service

- a) The total expenditure on legal services within the agency from 1 February to 31 May 2013 was \$1,361,284.63, which can be broken down into \$1,235,894.10 for employees and \$125,390.53 for suppliers.
- b) The total expenditure on the Australian Government Solicitor from 1 February to 31 May 2013 was \$856,384.47. This was made up of \$784,706.02 in legal fees, \$45,279.79 in disbursements and \$26,398.66 in counsel fees.
- c) Private legal services were sought from Clayton Utz, amounting to \$226,435.59 (\$223,684.00 in legal fees and \$2,751.59 in disbursements).
- d) From 1 February to 31 May 2013, legal expenditure from other sources came from: Attorney-General’s Department – \$7,720.13 (legal fees) and Office of Parliamentary Counsel – \$7,327.00 (\$5,117 in legal fees and \$2,210 in disbursements).

Australian Federal Police

a)

Total legal services expenditure	\$5,632,698
Total external legal services expenditure	\$1,322,967
Total internal legal services expenditure	\$4,309,731

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

Total external legal services expenditure	\$1,322,967
Total value of counsel briefs	\$30,805
Total disbursements (excluding counsel)	\$19,288
Total professional fees paid	\$1,272,874

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

b)

Description	AGS
Total professional fees paid	\$610,166

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

c)

Description	Private Firms
Total professional fees paid	\$589,051

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

d)

Description	Other Sources
Total professional fees paid	\$73,657

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

Australian Government Solicitor (AGS)

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

a) – d) Under the *Legal Services Directions 2005*, agencies regulated by the *Financial Management and Accountability Act 1997* are required to publish their legal services expenditure for the financial year 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 publish their legal services expenditure for the financial year 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) Nil.

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) \$453,523 (excluding GST). This is a total expense figure comprising salaries and on costs for AUSTRAC's internal legal team, plus certain amounts paid to the Australian Government Solicitor (included in the total shown at item b).
- b) \$38,774 (excluding GST). Expense comprises various advices on both internal and external matters.
- c) Nil.
- d) Nil.

CrimTrac

a) Costs associated with in-house legal services:

CrimTrac internal legal services	\$224,500.89
Australian Government Solicitor	\$130,310.76

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)

Clayton Utz	\$38,088.70
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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) \$11,593 (GST exclusive).
- b) \$6,204 (GST exclusive).
- c) Blake Dawson Waldron \$919 (GST exclusive), Office of Parliamentary Counsel \$4,470 (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

- a) – d) Under the *Legal Services Directions 2005*, agencies regulated by the *Financial Management and Accountability Act 1997* are required to publish their legal services expenditure for the financial year 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 Circuit 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) \$505 (GST exclusive).
- b) \$505 (GST exclusive).
- c) Nil.
- d) Nil.

High Court of Australia

- a) Nil.
- b) \$6,344.37 (excluding GST) was spent on litigation and legal advice on procurement.
- c) Nil.
- d) Nil.

Insolvency and Trustee Service Australia

- a) \$197,457. Costs for each service cannot be disclosed for commercial reasons.
- b) \$97,012. Costs for each service cannot be disclosed for commercial reasons.
- c) \$172,408. Costs for each service cannot be disclosed for commercial reasons.
- d) Nil.

National Native Title Tribunal

The National Native Title Tribunal (NNTT) will not be providing a response to this question, as from 1 July 2012 the 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. On 12 March 2013 the Courts and Tribunals Legislation Amendment (Administration) Act 2013 came into operation. On that day the Australian Public Service Commissioner signed a determination which transferred all staff employed by the Tribunal to the Federal Court of Australia under s.72 of the Public Service Act, but those staff are designated staff assisting the Tribunal under the Native Title Act.

Office of the Australian Information Commissioner

a) – d) Under the *Legal Services Directions 2005*, agencies regulated by the *Financial Management and Accountability Act 1997* are required to publish their legal services expenditure for the financial year 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) The CDPP has spent \$7,692 (including GST) on legal services provided by the Australian Government Solicitor. Of this, \$489 (including GST) was in relation to the CDPP's response to the Australian Human Rights Commission (AHRC) People Smuggling Inquiry, \$3,523 (including GST) was for property related matters, \$3,680 (including GST) was for administrative advice.

Please 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) The CDPP has spent \$7,692 (including GST) on legal services provided by the Australian Government Solicitor. Please see answer a) above.

c) Nil.

d) Nil.

Office of Parliamentary Counsel

a)- d) Nil.