

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

Program All

Question No. 106

Senator Humphries asked the following question at the hearing on 18 October 2011:

Legal costs

- a) What sum did each portfolio department and agency spend on legal services for the year 2010-11 within the department and agency? Please provide a list of each service and costs.
- b) What sum did each portfolio department and agency spend on legal services for the year 2010-11 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 for the year 2010-11 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 for the year 2010-11 from other sources? Please provide a list of each service and costs.
- e) What sum did each portfolio department and agency spend on legal services FYTD within the department and agency? Please provide a list of each service and costs.
- f) What sum did each portfolio department and agency spend on legal services FYTD from the Australian Government Solicitor? Please provide a list of each service and costs.
- g) What sum did each portfolio department and agency spend on legal services FYTD from private firms? Please provide a list of each service and costs.
- h) What sum did each portfolio department and agency spend on legal services FYTD from other sources? Please provide a list of each service and costs.

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

All costs are exclusive of Goods and Service Tax.

Attorney-General's Department

Costs for each service are not collected. To provide this information would require lengthy and resource intensive searches of financial systems, which would be an unreasonable diversion of resources.

a) \$1,190,701.27.

b) \$8,211,418.08.

c) The Australian Government Solicitor – \$8,211,418.08; Blake Dawson - \$223,374.07; Trinity Law - \$1,439.90

- AGD do not collect information on the costs for each service, AGD has Deeds of Standing Offer with the Australian Government Solicitor and Blake Dawson.
- The payment to Trinity Law relates to financial assistance provided under Appendix E of the *Legal Services Directions 2005* which deals with assistance to Commonwealth employees for certain legal proceedings.

d) Counsel - \$1,767,378.37; Department of Premier and Cabinet New South Wales – Office of General Counsel - \$96,817.89

- The payment to the Department of Premier and Cabinet New South Wales - Office of General Counsel relates to the engagement of Mr Dennis Murphy for the development of draft legislation as part of the National Legal Profession reform agenda.

e)-h) Not available. 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 previous financial year publicly available by 30 October each year. Therefore, the legal services expenditure for FMA agencies since 1 July 2011 will not be published until after the end of the 2011-12 financial year. To identify the information sought would require an unreasonable diversion of resources.

Australian Commission for Law Enforcement Intelligence

Costs for each service are not collected. To provide this information would require lengthy and resource intensive searches of financial systems, which would be an unreasonable diversion of resources.

a) \$391,393.66.

b) \$53,934.10.

c) ACLEI did not engage any private legal firms in the year 2010-11.

d) \$12,537.50.

e)-h) Not available. 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 previous financial year publicly available by 30 October each year. Therefore, the legal services expenditure for FMA agencies since 1 July 2011 will not be published until after the end of the 2011-12 financial year. To identify the information sought would require an unreasonable diversion of resources.

Australian Crime Commission

- a) The total cost spent on legal services in 2010-11 was \$4,952,766 the detailed costs for each service or action can not be disclosed for operational and commercial reasons.

Totals	
total external expenditure	\$2,193,486
total internal expenditure	\$2,759,279
total	\$4,952,766

All costs are exclusive of GST. With GST the figure would be \$5,448,043 as reported in the Legal Services Expenditure Report.

- b) The total spent on legal services from the Australian Government Solicitor in 2010-11 was \$1,520,868, the break up between legal fees and disbursements is listed below. The costs for each service or case cannot be disclosed for operational and commercial reasons:

Legal fees for Australian Government Solicitor	\$1,212,732
Disbursements (Counsel fees),	\$212,315
Other Disbursements	\$95,822
Total	\$1,520,868

- c) The total cost spent on private firms in 2010-11 was \$80,273.

The costs for each service or case can not be disclosed for operational and commercial reasons:

Blake Dawson Waldron	\$43,032
Schweizer Kobras Lawyers	\$37,241
Total professional fees paid	\$80,273

- d) In 2010-11 \$3,351,624 was spent on other legal services, the break up between external counsel (other than AGS) and internal legal costs is listed below.

The costs for each service is as follows:

Counsel QC	\$544,744
Other counsel	\$ 47,600
Internal salaries and on-costs	\$2,659,168
Internal law library costs	\$100,112

- e) Legal services FYTD cost \$1,210,792. The detailed costs for each service or case can not be disclosed for operational and commercial reasons:

Total expenditure	
total external expenditure	\$352,261
total internal expenditure	\$858,531
Total	\$1,210,792

- e) The amount spent on legal services FYTD from the Australian Government Solicitor is \$261,991.
- f) Nil.
- g) \$948,801 was spent on legal services FYTD from other sources.

Other Counsel	\$909
Counsel (QC)	\$89,361

Internal salaries and on-costs	\$833,021
Internal library costs	\$25,510
Total	\$948,801

The detailed costs for each service or case cannot be disclosed for operational and commercial reasons.

Australian Federal Police

Costs for each service are not collected. To provide this information would require lengthy and resource intensive searches of financial systems, which would be an unreasonable diversion of resources.

- a) \$5,054,614.20. This amount secures the AFP a comprehensive in-house legal capability across diverse subject matter, including operations and counter terrorism, commercial and governance, employment and litigation, information, and internal deployment related legal matters.
- b) \$2,379,408.05. This amount relates to legal services provided by AGS on a number of legal subject matter, including: criminal, national security, commercial, employment, litigation, FOI and privacy.
- c) \$1,059,031.17 is the total spend for private firms comprised as follows: DLA Piper (formerly DLA Phillips Fox) - \$432,275.47 – predominantly commercial and employment related legal services; Clayton Utz - \$510,439.91 – predominantly commercial, information disclosure, employment and litigation related legal services; and Blake Dawson - \$116,615.93 – predominantly commercial related legal services.
- d) \$282,861.98 is the total spend to other sources, comprising \$271,742.25 paid to counsel in relation to various legal advice and court matters, and \$11,119.73 to the Office of International Law (AGD).
- e) As at 14 November 2011, \$1,854,100.80 is the AFP's YTD expenditure on legal services within the agency.
- f) As at 14 November 2011, \$447,396.61 is the AFP's YTD legal expenditure with AGS.
- g) As at 14 November 2011, \$262,508 is the total YTD spend to private firms comprised as follows: DLA Piper (formerly DLA Phillips Fox) - \$73,789.70; Clayton Utz - \$75,204.54; Blake Dawson - \$67,210.48; and HWL Ebsworth - \$45,853.29.
- h) Nil expenditure to date on counsel and other sources.

Australian Government Solicitor (AGS)

AGS did not acquire any legal services from external providers for 2010-11 or for the FYTD. AGS relied on its lawyers for legal services in several operational areas but does not keep a record of the actual costs of these services.

Australian Human Right Commission

The Commission complies with the reporting requirements under the Legal Services Directions 2005. As disclosed in the 'Report on Legal Services Expenditure 2010-11' on the Australian Human Rights Commission website, published in compliance with paragraph 11.1(ba) of the Legal Services Directions 2005 the following are the costs of legal services for the Commission.

Costs for each service are not collected. To provide this information would require lengthy and resource intensive searches of financial systems, which would be an unreasonable diversion of resources

a) \$1,261,912.23. The costs for each service is as follows:

i. Internal costs - \$1,155,773.55

ii. External costs - \$106,138.68

b) \$74,851.70.

c) \$880.00.

d) \$30,110.93. Barristers Fees.

e)-h) Not available. 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 previous financial year publicly available by 30 October each year. Therefore, the legal services expenditure for FMA agencies since 1 July 2011 will not be published until after the end of the 2011-12 financial year. To identify the information sought would require an unreasonable diversion of resources.

Australian Law Reform Commission

a) Nil.

b) \$4,911.39. On 1 July 2011, the ALRC became a prescribed agency under the *Financial Management and Accountability Act 1997* (Cth) (FMA Act) and a statutory agency under the *Public Service Act 1999* (Cth). Advice was sought from the Australian Government Solicitor concerning this change during negotiations for a new Enterprise Agreement.

c) Nil.

d) Nil.

e)-h) Not available. 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 previous financial year publicly available by 30 October each year. Therefore, the legal services expenditure for FMA agencies since 1 July 2011 will not be published until after

the end of the 2011-12 financial year. To identify the information sought would require an unreasonable diversion of resources.

Australian Security Intelligence Organisation

ASIO is not required to report or publish annual legal expenditure and are unable to provide this information.

CrimTrac

a) \$768,241.00. This total covers costs of in-house legal team salary, superannuation and leave entitlements, as well as taxis, airfares, accommodation, law library subscription and learning & development costs.

b) \$76,130.00: The costs for each service is as follows:

- \$1,158.96 Commercial advice (NAFIS support agreement)
- \$5,500.00 Commercial advice (NAFIS support agreement)
- \$15,894.67 Governance advice
- \$386.32 Commercial advice (NAFIS support agreement)
- \$800.91 Commercial Property - leasing advice
- \$23.10 Commercial Property - leasing advice
- \$15,690.73 Commercial advice (NAFIS support agreement)
- \$295.00 Commercial advice
- \$36,403.51 Commercial advice and related governance advice.

c) \$9530.63: The costs for each service is as follows:

- Blake Dawson \$2,503.00 Employment law advice
- Blake Dawson \$3,334.76 Litigation/legal process advice (production of documents)
- Blake Dawson \$2,684.88 Litigation/legal process advice (production of documents)
- Blake Dawson \$1,007.99 Employment law advice

d) \$3375.00: The costs for each service is as follows:

- Robert Cook – Barrister \$2,850.00 Drafting legal correspondence
- Robert Cook – Barrister \$525.00 Drafting legal correspondence.

e)-h) Not available. 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 previous financial year publicly available by 30 October each year. Therefore, the legal services expenditure for FMA agencies since 1 July 2011 will not be published until after the end of the 2011-12 financial year. To identify the information sought would require an unreasonable diversion of resources.

High Court of Australia

a) Nil

b) \$71,773 for human resources and procurement advice.

c) Nil

d) Nil

e)-h) Not available. 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 previous financial year publicly available by 30 October each year. Therefore, the legal services expenditure for FMA agencies since 1 July 2011 will not be published until after the end of the 2011-12 financial year. To identify the information sought would require an unreasonable diversion of resources.

Insolvency and Trustee Service Australia

Costs for each service are not collected. To provide this information would require lengthy and resource intensive searches of financial systems, which would be an unreasonable diversion of resources

a) \$446,834 (internal legal spend).

b) \$426,655 (AGS spend).

c) \$761,716 (Private firms spend).

d) \$95,655 (other sources spend).

e)-h) Not available. 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 previous financial year publicly available by 30 October each year. Therefore, the legal services expenditure for FMA agencies since 1 July 2011 will not be published until after the end of the 2011-12 financial year. To identify the information sought would require an unreasonable diversion of resources.

The Office of the Director of Public Prosecutions (CDPP)

a) During 2010-2011 the CDPP spent \$28,569.60 on legal services (excluding the handling of criminal prosecutions and related proceedings).

Services	Amounts (including GST)
Legal Advice	\$1,260.37
Legal Advice	\$1,794.67
Legal Advice	\$47.72
Legal Advice	\$208.40

Legal Advice	\$1,167.01
Legal Advice	\$3,447.48
Legal Advice	\$1,459.76
Legal Advice	\$345.11
Legal Advice	\$1,355.51
Legal Advice	\$4,579.44
Legal Advice	\$1,354.62
Legal Advice	\$7,200.50
Legal Advice	\$2,398.19
Legal Advice	\$1,941.59
TOTAL	\$28,569.60

b) All of the above transactions were with the Australian Government Solicitor.

c) - d) Nil.

e) For the FYTD the CDPP has spent \$2,885 on legal services (excluding the handling of criminal prosecutions and related proceedings).

Services	Amounts
Legal Advice	\$2,596.50

f) See (e)

g) – h) Nil.

Office of Parliamentary Counsel

a) Nil.

b) \$13,473.35. The costs were professional fees for drafting related matters.

c) Nil.

d) Nil.

e)-h) Not available. 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 previous financial year publicly available by 30 October each year. Therefore, the legal services expenditure for FMA agencies since 1 July 2011 will not be published until after the end of the 2011-12 financial year. To identify the information sought would require an unreasonable diversion of resources.