

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Additional Estimates 2015 - 2016

Agency - Comcare

Department of Employment Question No. EMSQ16-000368

Senator Ludwig provided in writing.

Question

Comcare - Legal Costs

Since the change of Prime Minister on 14 September, 2015:

1. List all legal costs incurred by the department or agency
2. List the total cost for these items, broken down by source of legal advice, hours retained or taken to prepare the advice and the level of counsel used in preparing the advice, whether the advice was internal or external
3. List cost spend briefing Counsel, broken down by hours spent briefing, whether it was direct or indirect briefing, the gender ratio of Counsel, how each Counsel was engaged (departmental, ministerial)
4. How was each piece of advice procured? Detail the method of identifying legal advice

Answer

Comcare can advise as at 1 July 2015 to 30 November 2015 that:-

1. *List all legal costs incurred by the department or agency.*

Total legal expenditure	\$8,642,078
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<i>External legal expenditure</i>	\$6,094,020
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<i>Internal legal expenditure</i>	\$2,548,057
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These figures include costs for professional fees, counsel fees and disbursements.

2. *List the total cost for these items, broken down by source of legal advice, hours retained or taken to prepare the advice and the level of counsel used in preparing the advice, whether the advice was internal or external.*

Total external legal expenditure	\$4,428,200
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Total internal legal expenditure	\$ 10,904
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We have interpreted legal advice to mean professional fees.

To provide a breakdown of the source of legal advice and hours taken to prepare advice would be an unreasonable diversion of resources.

3. *List cost spend briefing Counsel, broken down by hours spent briefing, whether it was direct or indirect briefing, the gender ratio of Counsel, how each Counsel was engaged (departmental, ministerial).*

To provide a breakdown of hours spent briefing Counsel would be an unreasonable diversion of resources.

Expenditure for male counsel	Expenditure for female counsel	Total expenditure for counsel
\$410,323	\$181,097	\$591,420

4. *How was each piece of advice procured? Detail the method of identifying legal advice.*

Legal services are procured from the Attorney-General Legal Services Multi-User List (LS MUL) and in accordance with the Commonwealth Procurement Rules (CPRs). Choice of counsel is based on expertise and if appearing before a tribunal or court where they are located as far as practical.

Note: All costs are GST exclusive Figures.