

Senate Standing Committee on Environment and Communications

Answers to Senate Estimates Questions on Notice

Additional Estimates Hearings February 2014

Communications Portfolio

Australian Communications and Media Authority

Question No: 58

Program No. Australian Communications and Media Authority (ACMA)

Hansard Ref: In Writing

Topic: Legal costs

Senator Ludwig asked:

List all legal costs incurred by the Department or Agency since 7 September 2013

1. 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
2. List cost spend briefing Counsel, broken down by hours spend briefing, whether it was direct or indirect briefing, the gender ratio of Counsel, how each Counsel was engaged (Departmental, Ministerial)
3. How was each piece of advice procured? Detail the method of identifying legal advice]

Answer:

1. The agency expenditure on legal services for the period 7 September 2013 to 28 February 2014, including internal legal costs, was \$2,416,547.38. The legal services provided covered the full range of legal matters requiring consideration by the agency, including legal interpretation, drafting of documentation and instruments (including legislative instruments), management of litigation, review of investigation reports and Authority papers, and all other necessary forms of legal advice and assistance.

The agency expenditure on legal services for the same period from the Australian Government Solicitor was \$268,437.46, for a range of litigation matters and other miscellaneous advice and assistance.

The agency expenditure on legal services for the same period from private firms was \$32,334.93, for legal advice and assistance.

The agency expenditure on senior and junior counsel for the same period was \$82,534.08 for legal advice and representation.

Records of “hours retained or taken to prepare the advice” are not kept with respect to internal legal advice and it would be an unreasonable diversion of resources to construct such records retrospectively.

2. The agency expenditure on disbursements to senior and junior counsel briefed for the same period was \$82,534.08 for litigation services and for miscellaneous advice and assistance. All briefs were indirect. The gender split for this expenditure was 55.7% female to 44.3% male.
3. External advice was procured in the manner required by the *Legal Services Directions 2005*. The need for external legal advice is identified by senior lawyers working within the ACMA’s Legal Services Division acting upon the instructions of the Authority and the senior line area managers employed by the Authority.