

Senate Community Affairs Legislation Committee

SUPPLEMENTARY BUDGET ESTIMATES - 20 OCTOBER 2011 ANSWER TO QUESTION ON NOTICE

Department of Human Services

Topic: External Legal Expenditure

Question reference number: HSW 56

Senator: Fifield

Type of question: Written

Date set by the committee for the return of answer: 9 December 2011

Number of pages: 2

Question:

- a) How much did the department spend overall on external legal services in the financial year:
 1. 2010-2011?
 2. 2011-2012 (estimated)?
- b) How much did the department spend on external legal services broken down by Program in the financial year:
 1. 2010-2011?
 2. 2011-2012 (estimated)?
- c) How much (if anything) did CRS Australia spend overall on external legal services in the financial year:
 1. 2010-2011?
 2. 2011-2012 (estimated)?
- d) For what purposes were legal services engaged in 2010-2011?
- e) Is it likely that any expenditure on external legal services will be necessary in 2011-2012? If so, why?
- f) Who directed external lawyers' work in 2010-2011?
- g) Who currently directs external lawyers' work?
- h) Who authorised the engagement of external lawyers in 2010-2011?
- i) Who is currently authorised to engage external lawyers?
- j) Did the department seek out quotes from a number of different lawyers/firms before making a final decision to engage particular lawyers/firms?
 1. If so:
 - i. How many different lawyers/firms were approached?
 - ii. Were the cheapest options chosen? If not, why not?
 2. If not, why not?

Answer:

- a) 1. The information is available from the department's website at '<http://www.humanservices.gov.au/corporate/publications-and-resources/legal-services-expenditure>'

2. An accurate estimate is not available at this time. The department is only required to report legal expenditure to the Office of Legal Services Coordination in accordance with the Attorney-General's *Legal Services Directions 2005* annually.
- b) and c)
 1. See answer (a)(1).
 2. The department is a single entity and it would be an unreasonable diversion of resources to calculate this by individual program.
 - d) Legal advice and representation.
 - e) Yes. A number of reasons including for work which is 'tied work' under the Attorney-General's *Legal Services Directions 2005*, for advice in complex matters, litigation matters and matters requiring specific skill sets.
 - f), g), h) and i) The Chief Counsel, Executive Counsel and General Counsel of the department.
 - j) Estimates of costs are sought in all matters. The department has a panel of legal service providers and has negotiated agreed rates. Whether the department additionally seeks a quote will depend upon the expertise required, type and scale of the matter.