

Senate Standing Committee on Environment and Communications

Answers to Senate Estimates Questions on Notice

Supplementary Budget Estimates Hearings November 2014

Communications Portfolio

Department of Communications

Question No: 41

Program No. 1.1

Hansard Ref: In Writing

Topic: Legal Costs

Senator Ludwig asked:

Since Budget Estimates in June, 2014:

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:

1. The Department of Communications total expense for legal services from 1 May 2014 until 31 October 2014 was \$2,566,511 (GST exclusive).
2. Law firms that were engaged for advice were the Australian Government Solicitors, Clayton Utz, Henry Davis York Lawyers, Herbert Smith Freehills, Maddocks, Meyer Vandenberg, Minter Ellison Lawyers and Sparke Helmore Lawyers. We do not record the hours the firms worked, were retained or took to prepare advice.

The level of Counsel/lawyer used internally to prepare advice and carry out work includes 1 General Counsel, 1 Deputy General Counsel, 2 Principal Lawyers, 4 Senior Lawyers and 4 Lawyers.

The Department of Communications total expense for legal services from 1 May 2014 until 31 October 2014 was \$1,744,844 (GST exclusive) for internal legal services and \$821,667(GST exclusive) for external legal services.

3. The total expense for briefing external counsel was \$101,245 (GST exclusive) for the period. We do not record the hours spent briefing. There were 7 Counsel engaged for their services – 4 Counsel were briefed indirectly and 3 Counsel was briefed directly. The gender ratio of Counsel is 5 male and 2 female. The Department engaged all direct Counsel. Indirect Counsel were engaged by law firms acting on the Department's instructions.
4. All external legal advice was procured from a law firm included through the Legal Services Multi Use List after senior internal legal staff identified the need for specialist advice or a need for expertise not available within the division or Tied Work under the *Legal Services Directions 2005* or from a barrister, either engaged indirectly through a law firm or directly briefed by the Department.