

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Additional Estimates

26 February 2014

Question: AET 1206

Topic: Legal costs

Written: 5 March 2014

Senator LUDWIG asked:

1206. List all legal costs incurred by the department or agency since 7 September 2013.

- a. 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
- b. 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).
- c. How was each piece of advice procured? Detail the method of identifying legal advice?

Answer:

1206a. – b. As an independent authority, the Australian Prudential Regulation Authority (APRA) does not obtain legal advice for ministers and is not directed by ministers on legal advice other than complying with whole-of-government directions such as the Legal Services Directions 2005 issued by the Office of Legal Services Coordination. APRA does not record the hours spent briefing counsel.

APRA engaged five counsel during the period, three were briefed directly and two indirectly. The gender ratio is two females to three males.

APRA spent \$2,044,347 on legal services for the period 7 September 2013 to 28 February 2014, which is broken down as follows:

Source of advice	Level of counsel	Hours Retained	Cost \$
APRA in-house solicitors	Ranging from Junior Solicitors to General Counsel	20,017	1,863,059
External solicitors	Ranging from Junior Solicitors to Partner	251	113,110
Counsel	Junior Counsel	38	10,349
	Senior Counsel	Advice provided on a contract basis.	57,830

1206c. APRA assesses the complexity and nature of the advice sought and the availability of legal expertise best able to meet the need from the procurement mechanisms available.