

Senate Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Additional Estimates

2015 - 2016

Department/Agency: TREASURY
Question: AET 2566-2569
Topic: Legal Costs
Reference: written - 19 February 2016
Senator: Ludwig, Joe & Wong, Penny

Question:

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

2566. List all legal costs incurred by the department or agency

2567. 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

2568. 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)

2569. How was each piece of advice procured? Detail the method of identifying legal advice

Answer:

2566. Legal costs incurred by Treasury for the period 14 September 2015 to 19 February 2016 are summarised in the following table:

Legal Service provider	Cost (GST exclusive)
Australian Government Solicitor (AGS) including In-house legal expenses	\$499,221.07
Attorney-General's Department	\$2,737.28
External legal service providers (other than AGS)	\$37,180.44
Office of Parliamentary Counsel	\$599,869.51
Total legal expenses to 14 September 2015 to 19 February 2016 (tied and untied)	\$1,139,008.30

2567. The number of hours for each matter would need to be derived from individual invoices and associated time sheets. It would be an unreasonable diversion of departmental resources to extract this information for individual legal matters.

2568 One male counsel was briefed on behalf of the former Acting Assistant Treasurer (Minister Cormann) in respect of an ongoing business names registration matter before the Administrative Appeals Tribunal. The matter commenced in early 2015 and relates to a 2014

business names registration decision. The matter was concluded in the Commonwealth's favour in December 2015. One female counsel was engaged to represent the former Minister for Competition Policy and Consumer Affairs, Mr Bradbury, and Commonwealth agencies in relation to civil proceedings concerning a compulsory product safety recall. Fees attributable to these matters for the relevant period are still being finalised.

2569. Treasury complies with the Legal Services Directions 2005 for the procurement of legal services and reporting of significant legal matters.

Treasury utilised the services of one Senior Executive Australian Government Solicitor (AGS) in house lawyer.

For matters that cannot be considered by the in-house lawyer, Treasury procures legal advice from providers on the Legal Services Multi-User List, including AGS.

Legal services procurement decisions are made by the Division Head of the relevant Treasury Division following consultation with the in-house counsel and the Parliamentary and Legal Services Unit.