

Senate Economics Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Supplementary Budget Estimates

2015 - 2016

Department/Agency: Treasury

Question: SBT 294-297

Topic: Legal Costs

Reference: written - 30 October 2015

Senator: Wong, Penny

Question:

Legal Costs

Since 1 January 2015:

- 294 List all legal costs incurred by the department or agency
- 295 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
- 296 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)
- 297 How was each piece of advice procured? Detail the method of identifying legal advice

Answer:

294. Legal costs incurred by Treasury for the period 1 January 2015 to 30 October 2015 are summarised in the following table:

Legal Service provider	Cost (GST exclusive)
Australian Government Solicitor (AGS)	\$566,031.14
Attorney-General's Department	\$7,937.29
In-house legal expenses	\$316,405.74
External legal service providers (other than AGS)	\$108,118.53
Federal Register of Legislative Instruments	\$513,896.12
Tied Legal Services	\$3,888.25
Office of Legislative Drafting	\$38,282.31
Office of Parliamentary Counsel	\$421.84
Total legal expenses to 1 January 2015 to 30 October 2015 (tied and untied)	\$1,554,981.22

295. 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.

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296. 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. Total legal fees paid to counsel to 30 October 2015 for this matter are \$6870.88.

297. 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.