

Senate Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Supplementary Budget Estimates

2015 - 2016

Department/Agency: APRA
Question: SBT 827-830
Topic: Legal Costs
Reference: written - 30 October 2015
Senator: Wong, Penny

Question:

Since 1 January 2015:

827. List all legal costs incurred by the department or agency
828. 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
829. 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)
830. How was each piece of advice procured? Detail the method of identifying legal advice

Answer:

827. The Australian Prudential Regulation Authority (APRA) spent \$3,328,608 on legal services for the period 1 January to 30 October 2015.
828. The cost for services is broken down as follows:

| Source of advice | Level of counsel | Internal or external | Hours retained | Cost \$ |
|--------------------------|---|----------------------|----------------|------------------|
| APRA in-house solicitors | Ranging from junior solicitors to General Counsel | internal | 40,914 | 3,264,961 |
| External solicitors | Ranging from junior solicitors to Partner | external | 59.84 | 29,699 |
| Counsel | Junior Counsel | external | 67.65 | 14,852 |
| Counsel | Senior Counsel | external | 24 | 19,096 |
| | | | | 3,328,608 |

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829. APRA engaged five counsel during the period 1 January to 30 October 2015. All five were male and were briefed directly. As APRA does not record the hours spent briefing counsel, costs cannot be broken down for this question.
830. APRA assesses the complexity and nature of the advice sought and the availability of legal expertise best able to meet the need in accordance with the requirements and relevant mechanisms available, including under the Commonwealth Procurement Rules, the *Legal Services Directions 2005*, the authority provided by the Attorney-General to conduct litigation in relation to APRA's enforcement or regulatory functions, the Legal Services Multi-Use List and the Commonwealth Counsel Engagement Policy.