

Senate Standing Committee on Education and Employment - Education

QUESTIONS ON NOTICE
Budget Estimates 2014-2015

Cross Portfolio

Department of Education Question No. ED0170_15

Senator Ludwig provided in writing.

Question

Dept & all agencies: Legal Costs

1. List all legal costs incurred by the department or agency since Additional Estimates in February, 2014 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 spend 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 following tables detail the legal costs incurred since Additional Estimates in February 2014 for the Department of Education and its agencies.
2. All costs related to Solicitor's advice

Department/Agency	Internal Hours	Internal Costs	External Hours	External Costs
Department of Education	# 6381	## \$1,823,903	1798	\$1,052,839
Australian Curriculum , Assessment and Reporting Authority	Data not recorded	Data not recorded	Data not recorded	\$71,616
Australian Institute for Teaching and School Leadership Limited	Data not recorded	Data not recorded	Data not recorded	\$15,562
Australian Research Council	Data not recorded	\$25,760	Data not recorded	\$26,503
Tertiary Education Quality and Standards Agency	Data not recorded	\$110,224	74	\$30,931
Australian Institute of Aboriginal and Torres Strait Islander Studies	Data not recorded	Data not recorded	Data not recorded	\$22,240

The total hours does not include SES legal and administration staff.
##The cost of internal legal services includes all direct and indirect overheads.
The department's internal costs are estimates until the settlement of its finances due to the machinery of government change. The cost per level of lawyer is not available.

3. Counsel

Department/Agency	Costs	Number of Male Counsel	Number of Female Counsel
Department of Education	\$158,522.86	3	0
Australian Curriculum, Assessment and Reporting Authority	N/A		
Australian Institute for Teaching and School Leadership Limited	N/A		
Australian Research Council	N/A		
Tertiary Education Quality and Standards Agency	N/A		
Australian Institute of Aboriginal and Torres Strait Islander Studies	N/A		

The counsel were engaged by the department only, indirectly through the Australian Government Solicitor.

The cost of solicitors briefing counsel is not separately identified by the department. In general, counsel costs are by day or half day, therefore, total hours is not available.

4. The legal services provided to the Department of Education, the Australian Curriculum Assessment and Reporting Authority and the Australian Research Council by the external solicitors was procured using the Attorney-General's Department Legal Services Multi-Use List (LSMUL) arrangements.

The legal services provided to the Australian Institute for Teaching and School Leadership, the Tertiary Education Quality Standards Agency and the Australian Institute of Aboriginal and Torres Strait Islander Studies by external solicitors was procured in accordance with their internal procurement policies.