

Senate Standing Committee on Education and Employment - Education

QUESTIONS ON NOTICE Additional Estimates 2013-2014

Cross Portfolio

Department of Education Question No. ED0363_14

Senator Ludwig provided in writing.

Question

Dept/Ag - Legal costs

1. List all legal costs incurred by the department or agency since 7 September 2013.
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 from 19 September 2013 when the machinery of government changes came into effect creating the Department of Education. The agencies now in the education portfolio are also listed.
2. All costs related to Solicitor's advice

Department/Agency	Internal Hours	Internal Costs	External Hours	External Costs
Department of Education	# 8893	## \$2,912,476	1,278	\$535,382
Australian Curriculum , Assessment and Reporting Authority	Data not recorded	Data not recorded	Data not recorded	\$66,603
Australian Institute for Teaching and School Leadership Limited	Data not recorded	Data not recorded	Data not recorded	\$35,352
Australian Research Council	Data not recorded	\$45,522	Data not recorded	\$3,548
Tertiary Education Quality and Standards Agency	Data not recorded	\$239,549	43	\$20,554
Australian Institute of Aboriginal and Torres Strait Islander Studies	Data not recorded	Data not recorded	49	\$16,094

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	\$75,539.58	4	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 by the external solicitors was procured using the Attorney-General's Departments Legal Services Multi-Use List (LSMUL) arrangements. Under the LSMUL agencies can establish parcelling arrangements for the supply of legal services. Parcelling Deeds were entered into by the then Department of Education, Employment and Workplace Relations in May 2013.

The Australian Institute for Teaching and School Leadership reported that their external solicitor costs were not procured using the Attorney-General's Departments Legal Services Multi-Use List (LSMUL). The legal services provided by the external solicitor were obtained in accordance with their internal procurement policy.