

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Question No. 30

Senator Ludwig asked the following question at the hearing on 31 October 2006:

- (a) What sum did the department spend during 2005-2006 on external (i) barristers; and (ii) solicitors (including private firms, the Australian Government Solicitor and any others).
- (b) What sum did the department spend on internal legal services.
- (c) What is the department's projected expenditure on legal services for 2006-2007.

The answer to the honourable senator's question is as follows:

- (a) & (b) The answers to parts (a) and (b) are contained in Appendix 6 of the Department's 2005-06 Annual Report (at pages 268-269). Appendix 6 is reproduced below.

Appendix 6

Legal services expenditure

All departments and agencies are now required, under paragraph 11.1(ba) of the Legal Services Directions 2005, to report on their legal services expenditure each financial year. A breakdown of the Department's expenditure for 2005-06 is set out below, along with the previous year's data for comparison.

All expenditure figures include GST and are rounded to the nearest dollar.

Table 11: Legal services expenditure, 2004-05 and 2005-06

	2004-05	2005-06
Total legal services expenditure	\$6,646,501	\$7,198,710
Total external legal services expenditure (See note 1)	\$5,696,501	\$6,112,137
External expenditure on solicitors	\$4,564,109	\$5,523,449
External expenditure on counsel	\$1,132,392	\$588,688
Number of male counsel briefed	30	22
Value of briefs to male counsel	\$714,296	\$280,316
Number of female counsel briefed	6	11
Value of briefs to female counsel	\$418,096	\$308,371
Internal legal services expenditure (See note 2)	\$950,000	\$1,086,573

Explanatory notes

1. These figures exclude amounts of legal services expenditure relating to the Hague Convention on the Civil Aspects of International Child Abduction and the United Nations Convention on the Recovery Abroad of Maintenance and international obligations under various bilateral maintenance arrangements. These are recorded separately because they do not constitute the purchase of legal services by the Department for itself. Rather, they arise as the Department pays for legal services that benefit other parties as a result of obligations under international agreements.
2. The Department does not have a separate internal legal services branch. Within the Department, there are units that provide both internal and external services, principally the

Office of International Law, the Office of Legislative Drafting and Publishing, and the Counsel assisting the Solicitor-General. Legal services are provided at no cost to the areas of the Department receiving the services. There is no billing arrangement for internal legal services and separate records are not kept about this expenditure. These expenses are treated as part of the aggregate of staffing costs for the Department.

An estimate of the cost of internal legal services has been derived from an assessment of the number of staff involved in providing internal legal services and the proportion of their time involved in providing those services. The staff of the Office of International Law devoted to providing internal legal services are the full time equivalent of 0.5 of an APS3, 1.0 Legal Officer, 1.0 Senior Legal Officer, 1.0 Principal Legal Officer and 0.5 (0.75 in 2005–06) of an SES Officer. The staff of the Office of Legislative Drafting and Publishing devoted to providing internal legal services are the full-time equivalent of 0.2 of a Legal Officer, 1.0 Senior Legal Officer, 0.3 (0.5 in 2005–06) of a Principal Legal Officer and 0.1 of an SES Officer. 0.5 full time equivalent of the Counsel assisting the Solicitor-General (a Principal Legal Officer) is devoted to providing legal services to the Department. Internal legal services that may be provided from time to time by other areas of the Department are not sufficiently material to enable separate costing.

The cost of internal legal services was then estimated based on salary levels for these positions and increased by a factor reflecting typical staffing and other overheads within the Department.

By this method, it is estimated that approximately \$0.95m was spent on internal legal services by the Department in 2004–05 and approximately \$1.04m was spent in 2005–06.

From January 2006, internal legal services in relation to commercial law issues are provided by an officer seconded from the Australian Government Solicitor. For 2005–06 the cost was \$46,573.

The costs of the Solicitor-General (including salary) are also met by the Department.

- (c) The Department's projected expenditure on external legal services for 2006-2007 is approximately \$7.3 million (including GST). In addition, it is estimated that the cost of internal legal services will be approximately \$1.1 million in 2006-2007. The internal legal services expenditure has been estimated on the same basis set out in note 2 to Appendix 6 of the Department's 2005-06 Annual Report and rounded up to the first decimal place.