

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO
BUDGET ESTIMATES 2025-2026

PA-Federal Court of Australia

BE25-034: FCA: Expenditure

Senator David Shoebridge asked the following question on 02 April 2025:

According to paragraph 12 of the Office of Legal Services Coordination's Guidance Note 8 - reporting on legal services expenditure, the Office of Legal Services Coordination expects that non-corporate Commonwealth entities calculate the full cost of internal legal services. Taking this into account:

1. What is the total amount expended on internal legal services in the 2022-23 financial year for the non-corporate Commonwealth entity known as the Federal Court of Australia? (Please include direct and indirect salary costs, direct and indirect overheads, legal unit overheads and any training costs)
2. For the 2022-23 financial year please provide the amounts in 1 in respect of each of:
 - (a) direct salary costs (e.g. administrative staff, paralegals, general counsel etc.) ; and
 - (b) indirect salary costs (e.g. superannuation, leave entitlements, other salary contributions etc.) ; and
 - (c) direct overhead (e.g. costs of desks, computers, stationery etc.) ; and
 - (d) indirect overhead (e.g. apportioned rent, electricity etc.) and
 - (e) legal unit overhead (e.g. specialist software licenses, cost of law library, loose-leaf services etc.) ; and
 - (f) other relevant costs
3. What is the total amount expended on internal legal services in the 2021-22 financial year for the non-corporate Commonwealth entity known as the Federal Court of Australia? (Please include direct and indirect salary costs, direct and indirect overheads, legal unit overheads and any training costs)
4. For the 2021-22 financial year please provide the amounts in 3 in respect of each of:
 - (a) direct salary costs (e.g. administrative staff, paralegals, general counsel etc.) ; and
 - (b) indirect salary costs (e.g. superannuation, leave entitlements, other salary contributions etc.) ; and
 - (c) direct overhead (e.g. costs of desks, computers, stationery etc.) ; and
 - (d) indirect overhead (e.g. apportioned rent, electricity etc.) and
 - (e) legal unit overhead (e.g. specialist software licenses, cost of law library, loose-leaf services etc.) ; and
 - (f) other relevant costs

5. What is the total amount expended on internal legal services in the 2020-21 financial year for the non-corporate Commonwealth entity known as the Federal Court of Australia? (Please include direct and indirect salary costs, direct and indirect overheads, legal unit overheads and any training costs)

6. For the 2020-21 financial year please provide the amounts in 5 in respect of each of:

- (a) direct salary costs (e.g. administrative staff, paralegals, general counsel etc.) ; and
- (b) indirect salary costs (e.g. superannuation, leave entitlements, other salary contributions etc.) ; and
- (c) direct overhead (e.g. costs of desks, computers, stationery etc.) ; and
- (d) indirect overhead (e.g. apportioned rent, electricity etc.) and
- (e) legal unit overhead (e.g. specialist software licenses, cost of law library, loose-leaf services etc.) ; and
- (f) other relevant costs

7. Does the total amount expended on internal legal services for the 2023-24 financial year, which was \$706,897 according to AE25-070, include internal legal services provided by:

- a) the Director of Legal and Integrity for the Federal Circuit and Family Court of Australia; and
- b) the Director of Legal and Compliance in the National Native Title Tribunal; and
- c) any and all Principal Lawyers/Commercial Lawyers/Lawyers etc. who provide legal services in respect of corporate services?

If not, in the light of:

- d) my previous QON requesting the total amount expended on internal legal services for the non-corporate Commonwealth Entity known as the Federal Court of Australia (and not just the Office of General Counsel); and
- e) the definition and constituents of the non-corporate Commonwealth Entity known as the Federal Court of Australia (set out in section 18ZB of the Federal Court of Australia Act 1976 (Cth)); and
- f) the definition of internal legal services in the Office of Legal Services Coordination's Guidance Note 8 - reporting on legal services expenditure; and
- g) the requirement to report the internal legal services of the whole listed entity, please explain why not.

The response to the senator's question is as follows:

The Federal Court of Australia (Federal Court) and Federal Court of Australia non-corporate listed entity's (Federal Court Entity) Office of General Counsel was established in September 2021, and in addition to internal legal services, provides services including, but not limited to:

- The provision of assistance to the Chief Justice of the Federal Court and Chief Executive Officer and Principal Registrar in relation to the administrative affairs of the Federal Court; and
- The provision of assistance to the Chief Executive Officer and Principal Registrar and the executive leadership team in relation to the management and administration of the Federal Court Entity.

These functions include, but are not limited to: coordinating rule changes and legislative amendments; assisting the Chief Justice with the handling of judicial complaints; management of

persona designata; secretariat services for judicial committees; support for policy development, practice notes and forms; Freedom of Information; privacy; risk; governance; government, stakeholder and intra-entity liaison; and information governance. The performance of many of these functions makes up the a significant proportion of the work of the Office of General Counsel.

As a general principle, the Federal Court of Australia, the Federal Circuit and Family Court of Australia and the Federal Court Listed Entity do not calculate or allocate overhead costs to specific functions, i.e. internal legal services within the Courts operations as this is a challenging exercise due to its indirect nature, complexity and the need for accurate allocation metrics. However, using the Department of Finance Standard New Policy Proposal (NPP) costing template, an indicative estimate of the total overhead cost for internal legal services has been used in this response.

1. \$674,206
2. a. \$461,298
 - b. \$103,066
 - c. \$65,398 (estimated costs)
 - d. \$44,444 (estimated costs)
 - e. Nil
 - f. Nil
3. \$673,415.09
4. a. \$418,034
 - b. \$124,554
 - c. \$54,052 (estimated costs)
 - d. \$40,776 (estimated costs)
 - e. Nil
 - f. Nil
5. Nil – The Federal Court of Australia Listed Entity did not include a dedicated internal legal service unit in 2020 – 2021. We are unable to determine the value of any internal legal services that may have been provided prior to this time.
6. Nil
7. The amount of \$706,897 identified in the response to AE25-070 included the total salary costs, overheads and other relevant costs solely for those staff within the Office of General Counsel. The Office of General Counsel has evolved into a dedicated legal unit with the

Federal Court and is responsible for, amongst other things, the provision of internal legal services to the Federal Court, Corporate Services, the Federal Court entity, and the agency.

The response to AE25-070 did not include an amount for the internal legal services provided by the Director of Legal and Integrity for the Federal Circuit and Family Court of Australia. That position is a resource of the Federal Circuit and Family Court of Australia. As a dedicated legal unit for the Federal Circuit and Family Court of Australia, including those costs would bring the total internal legal services costs, for the 2023-2024 financial year to: \$933,409.

The Director Legal and Compliance in the National Native Title Tribunal is not a dedicated internal legal services unit, nor does it provide internal legal services.