



Attachment A

Agency Notification Form

Agency Notification under 11.1(d) of the Legal Services Directions 2005

Under paragraph 11.1(d) of the Legal Services Directions 2005 (Directions), an agency must report about any possible or actual non-compliance with the Directions by the agency (including an allegation of non-compliance) of which the agency is aware, and about any corrective steps that have been taken or are proposed to be taken, by the agency.

Please complete this Form and return to OLSC at olsc@ag.gov.au.

Agency notifying OLSC: Department of Social Services (DSS) Contact Officer: Alan Grinsell-Jones Phone Number: 6146 2883 Email: alan.grinsell-jones@dss.gov.au	Date Notification Form lodged with OLSC: 13/11/2017
Matter Name (if applicable) and Court/Tribunal and Reference Details (if applicable): Complaint to the Australian Human Rights Commission by s47F	
Is this the first Notification Form that has been lodged in relation to the possible or actual non-compliance (including an allegation of non-compliance)? Yes	
If no, please specify the dates on which previous Notification Forms have been lodged.	
Agency's legal service provider (if applicable): N?A Firm: Contact Officer: Phone Number: Email:	
Details of other party (if applicable): Name: s47F Phone Number: Email: Legal representative and contact details (if applicable): s47F	
What does the possible or actual non-compliance (including an allegation of non-compliance) relate to: <input type="checkbox"/> Model litigant obligation (specify) _____ <input type="checkbox"/> Tied work <input type="checkbox"/> Counsel engagement <input type="checkbox"/> Failure to report a request for legal advice on a constitutional law matter <input type="checkbox"/> Failure to report a significant legal issue <input checked="" type="checkbox"/> Failure to obtain the Attorney-General's approval to settle a claim reported as significant <input type="checkbox"/> Handling monetary claims	

Other _____

Please provide a brief summary of the background to matter:
s47F

This matter was reported to OLSC as significant in December 2014. On reflection whilst the matter was originally considered to raise issues of significance across the Commonwealth, once negotiations to settle the matter were commenced it should have been removed as a significant issue. The final settlement reflects that it was not a significant matter

Please outline the circumstances of possible or actual non-compliance (including an allegation of non-compliance): *Please attach any relevant documentation including a copy of the document containing the allegation.*

It has recently been identified that DSS did not obtain the agreement of the Attorney-General (or his delegate) before the matter was settled. Given that the matter had previously been reported to OLSC as significant, there may have been non-compliance with paragraph 3.2 of the *Legal Services Directions 2017*.

Please provide a brief summary of the steps the agency has taken, or proposes to take, to assess and analyse the circumstance of possible or actual non-compliance: *For example, the agency proposes to undertake a review of the circumstances or the agency has undertaken a review of the circumstances. Please attach any relevant documents including a copy of any review or investigation findings.*

When updating the most recent quarterly Significant Issues Report, DSS considered more closely the obligations in the *Legal Services Directions 2017* in relation to seeking the agreement of the Attorney-General before settling matters that had previously been reported as significant.

Please outline findings by the agency including whether or not the circumstances were found to be non-compliant with the Directions, or alternatively, if the agency has not yet resolved the circumstances, please provide a subsequent notification form updating OLSC of the outcome.

As a result of more closely considering the obligations under the *Legal Services Directions 2017*, DSS considered that it may have breached paragraph 3.2 of those Directions.

If an agency has made a finding of non-compliance, please advise who was responsible for the non-compliance:

- The agency
- The legal service provider
- Both the agency and the legal service provider

Corrective steps: *Please outline corrective steps that have been taken or are proposed to be taken, by the agency including steps taken to response to an allegation of non-compliance*
DSS will ensure that for any future matters that are reported as significant, it will seek the agreement of the Attorney-General or his delegate before settling the matter. DSS will also continue to review matters to consider whether they can be removed from the list of OLSC significant issues as they develop.

Other comments:



Australian Government
Department of Social Services

Finn Pratt AO PSM
Secretary

Ms Petra Gartman
Assistant Secretary
Office of Legal Services Coordination
Attorney-General's Department
3-5 National Circuit
BARTON ACT 2600

Dear Ms Gartman

Under paragraph 11 of the *Legal Services Directions 2017* (the Directions), the Chief Executive is required to provide a certificate setting out the agency's compliance with the Directions and a report on legal services expenditure.

Please find enclosed the Department of Social Service's Certificate of Compliance and legal services expenditure report for the 2016-17 financial year.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Finn Pratt'.

Finn Pratt

18 August 2017

Legal Services Directions 2017 – Certificate of Compliance 2016/17

I, Finn Pratt, Accountable Authority of the Department of Social Services (DSS), certify under the *Legal Services Directions 2017* that during the financial year 2016-17:

- (a) this entity has reported to OLSC about all apparent or possible non-compliance with the Directions, or allegations of non-compliance of which the entity is aware:
 Yes No
- (b) this entity has complied with the requirements of the Legal Services Multi-Use List framework contained in Appendix F of the Directions and the LSMUL Guidance Material.
 Yes No
- (c) this entity has appropriate management strategies and practices in place to ensure compliance with the Directions:
 Yes No
- (d) this entity did not use any persons appointed by the Attorney-General under section 63 of the *Judiciary Act 1903* to receive service in proceedings to which the Commonwealth is a party in the 2016-17 financial year.
- (e) DSS has the following procedures in place to ensure compliance with the Directions:
- all DSS lawyers have received training on their obligations and are advised of developments and amendments to the Directions; and
 - all external legal service providers engaged by DSS Legal are required to comply with the Directions and report on any alleged breaches of the Directions under their contracts with the Commonwealth for inclusion on the Commonwealth Legal Services Multi-use List.

Certification of Compliance with the Directions

DSS required all Principal Lawyers, Deputy Chief Legal Counsels and the Chief Legal Counsel complete the certificate as part of the Department's assurance processes.

Signed:



Finn Pratt AO PSM
Secretary, Department of Social Services

Date: 18/8/17

Legal Services Expenditure Report 2016/17
Department of Social Services
All figures should be exclusive of GST

Totals	
Total (External + Internal) Expenditure	\$ 8,373,179.60
Total Internal Legal Services Expenditure	\$ 5,814,702.00
Total External Legal Services Expenditure	\$ 2,558,477.60
Summary of External Legal Services Expenditure	
Total value of briefs to Counsel	\$ -
Total value of disbursements (excluding counsel)	\$ 9,970.70
Total value of professional fees paid	\$ 2,548,506.90
Total External Legal Services Expenditure	\$ 2,558,477.60
Counsel	
Number of direct briefs to male Counsel	1
Number of direct briefs to female Counsel	1
Total number of direct briefs to counsel	2
Number of indirect briefs to male counsel	0
Number of indirect briefs to female counsel	0
Total number of indirect briefs to counsel	0
<i>For information only: Total number of briefs to male counsel</i>	1
<i>For information only: Total number of briefs to female counsel</i>	1
<i>For information only: Total number of briefs to counsel</i>	2
Total value of direct briefs to male counsel	\$ -
Total value of direct briefs to female counsel	\$ -
Total value of direct briefs to counsel	\$ -
Total value of indirect briefs to male counsel	\$ -
Total value of indirect briefs to female counsel	\$ -
Total value of indirect briefs to counsel	\$ -
<i>For information only: Total value of briefs to male counsel</i>	\$ -
<i>For information only: Total value of briefs to female counsel</i>	\$ -
<i>For information only: Total value of briefs to counsel</i>	\$ -
Professional Fees	
ACA Lawyers Pty Ltd	\$ s47E(d)
Addisons	\$
Aitken Partners	\$
Allen & Overy	\$
Allens	\$
Ally Group Pty Ltd	\$
ARETE Group	\$
Arnold Bloch Leibler	\$
Ashurst	\$
Atanaskovic Hartnell	\$
Aulich Civil Law	\$
Australian Business Lawyers & Advisors	\$
Australian Government Solicitor	\$
Baker & McKenzie	\$
Balazs Lazanas & Welch LLP	\$
Banki Haddock Fiora	\$

Hunt & Hunt Lawyers (NSW)	\$ s47E(d)
Hunt & Hunt Victoria	\$
Hutchinson Legal	\$
HWL Ebsworth Lawyers	\$
Hynes Legal	\$
Jackson McDonald	\$
Johnson Winter & Slattery	\$
Jones Day	\$
Jones Harley Toole	\$
Justitia	\$
K&L Gates	\$
Kaden Boriss	\$
Kamy Saeedi Lawyers	\$
Katamaru Legal and Investigation	\$
Kelly Hazell Quill	\$
Kemp & Co Lawyers	\$
Kemp Strang	\$
Kennedys	\$
Keypoint Law	\$
King & Wood Mallesons	\$
Kinsman Legal	\$
Lander & Rogers	\$
Lavan Legal	\$
Lawlab	\$
Lehmann Snell Lawyers (formerly Stirling Henry Legal Solutions)	\$
Littles Lawyers	\$
Lobban McNally Lawyers	\$
M+K Lawyers	\$
Maddocks	\$
Makinson & d'Apice Lawyers	\$
Marque Lawyers	\$
Matthews Folbigg Lawyers	\$
Maurice Blackburn	\$
McCullough Robertson	\$
McInnes Wilson Lawyers	\$
Megan Dyson	\$
Meridian Lawyers	\$
Meyer Vandenberg Pty Ltd t/as Meyer Vandenberg and MV Presence	\$
Mills Oakley Lawyers	\$
Milton Graham Lawyers (Milton Graham Lawyers Pty Ltd & Milton Graham Lawyers SA Pty Ltd)	\$
Minter Ellison Lawyers	\$
Moray & Agnew Lawyers	\$
Moulis Legal	\$
MSP Legal	\$
Norton Rose Fulbright	\$
Piper Alderman	\$
PricewaterhouseCoopers	\$
Proximity Legal	\$
Quinn Emanuel Urquhart & Sullivan	\$
Rallis Legal	\$
RG Ram Pty Ltd	\$
Roberts Nehmer McKee Lawyers	\$
Rodgers Barnes & Green	\$
Rostron Carlyle Solicitors	\$
Russell Kennedy	\$
Salvos Legal	\$

s47E(d)

Seyfarth Shaw Australia	\$
Sharon Rowe Pty Ltd	\$
Simpsons Solicitors	\$
Snedden Hall & Gallop	\$
Sparke Helmore	\$
Squire Patton Boggs	\$
SRB Legal	\$
Switch Legal	\$
Terri Janke and Company	\$
Thompson Cooper Lawyers Pty Ltd	\$
Thomson Geer	\$
TressCox Lawyers	\$
TurksLegal	\$
Ward Keller	\$
Waterhouse Lawyers	\$
Webb Henderson	\$
William Roberts Lawyers	\$
Wilson/Ryan/Grose Lawyers	\$
Wisewould Mahony	\$

Other government legal service providers

Attorney-General's Department	\$
Department of Foreign Affairs and Trade	\$
Office of Parliamentary Counsel	\$
Other: Department of Finance	\$
Other: (please specify)	\$

Other non-LSMUL firms

Overseas firms (single total figure, individual firm names not required)	\$
Other: (please specify)	\$

Total value of professional fees paid	\$ 2,548,506.90
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Commentary

Please outline any analysis you wish to provide relating to the expenditure figures provided above (optional to complete)



Australian Government
Department of Social Services

Finn Pratt PSM
Secretary

Ms Petra Gartman
Assistant Secretary
Office of Legal Services Coordination
Attorney-General's Department
3-5 National Circuit
BARTON ACT 2600

Dear Ms Gartman

Under paragraph 11 of the *Legal Services Directions 2005* (the Directions), the Chief Executive is required to provide a certificate setting out the agency's compliance with the Directions and a report on legal services expenditure.

Please find enclosed the 2015-16 Certificate of Compliance and a report on legal services expenditure for the Department of Social Services.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Finn Pratt'.

Finn Pratt

18 August 2016

Legal Services Expenditure Report
Department of Social Services
All figures should be exclusive of GST

Totals

Total (External + Internal) Expenditure	\$9,356,608.92
Total Internal Legal Services Expenditure	\$6,627,471.81
Total External Legal Services Expenditure	\$2,729,137.11

Summary of External Legal Services Expenditure

Total value of briefs to Counsel	\$28,663.78
Total value of disbursements (excluding counsel)	\$22,872.15
Total value of professional fees paid	\$2,677,601.18
Total External Legal Services Expenditure	\$2,729,137.11

Counsel

Number of direct briefs to male Counsel	0
Number of direct briefs to female Counsel	1
Total number of direct briefs to counsel	1

Number of indirect briefs to male counsel	5
Number of indirect briefs to female counsel	0
Total number of indirect briefs to counsel	5
<i>For information only: Total number of briefs to male counsel</i>	5
<i>For information only: Total number of briefs to female counsel</i>	1
<i>For information only: Total number of briefs to counsel</i>	6

Total value of direct briefs to male counsel	\$0.00
Total value of direct briefs to female counsel	\$6,307.05
Total value of direct briefs to counsel	\$6,307.05

Total value of indirect briefs to male counsel	\$22,356.73
Total value of indirect briefs to female counsel	\$0.00
Total value of indirect briefs to counsel	\$22,356.73
<i>For information only: Total value of briefs to male counsel</i>	\$22,356.73
<i>For information only: Total value of briefs to female counsel</i>	\$6,307.05
<i>For information only: Total value of briefs to counsel</i>	\$28,663.78

Professional Fees

Addisons	s47E(d)
Aitken Partners	

s47E(d)

Allen & Overy
Allens
Allygroup Pty Ltd
Arete Group
Arnold Bloch Liebler
Ashurst
Atanaskovic Hartnell
Australian Business Lawyers and Advisors Pty Ltd
Australian Government Solicitor
Baker & McKenzie
Balazs Lazanas & Welch
Banki Haddock Fiora
Bartier Perry
Beaumont Law
Bird & Bird
Bowden McCormack
Bradley Allen Love Lawyers
Brown Wright Stein Lawyers
BT Lawyers
CBP Lawyers (formerly t/as Colin Biggers & Paisley)
Chamberlains Law Firm
Church & Grace
Clayton Utz
Clifford Chance
Clyde & Co
Cooper Grace Ward Lawyers
Cornwall Stodart
Corrs Chambers Westgarth
Cozens Johansen Lawyers Pty Ltd
Craddock Murray Neumann Lawyers
Culshaw Miller Lawyers
Curwoods Lawyers
Davis Faulkner & Co
De Mestre and Company
Davis Faulkner & Co and Lawyerbank (formerly t/as DFC Legal)
DibbsBarker
DibbsBarker Canberra
DLA Piper
DW Fox Tucker Lawyers
Eakin McCaffery Cox
FAL Lawyers
FCB Group
Finlaysons
Fisher Jeffries
FOI Solutions
Franklin Athanasellis Cullen
Gadens Laywers Brisbane
Gadens Lawyers Melbourne
Gadens Lawyers Sydney
Gilbert + Tobin

s47E(d)

Grace Lawyers
Greenwich Legal
Griffin Legal
Griffith Hack
Hall & Wilcox
Hamilton Main
Harmers Workplace Lawyers
Harris Carlson Lawyers
Henry Davis York
Herbert Smith Freehills
Hicksons Lawyers
Hive Legal
Holding Redlich
Holman Fenwick Wilan
Holman Webb Lawyers
HopgoodGanim
HR Legal
Hunt & Hunt (formerly t/as Forgan Lawyers)
Hunt & Hunt (NSW)
Hutchinson Legal
HWL Ebsworth Lawyers
Hynes Legal
Jackson McDonald Lawyers
Johnson Winter & Slattery
Jones Day
Justitia Lawyers and Consultants
Kaden Boriss
Kelly Hazell Quill Lawyers
Kemp Strang
Kemp & Co
Kennedys
Keypoint Law
King & Wood Mallesons
Kinsman Legal
K&L Gates
Lander & Rogers
Lavan Legal
Littles Lawyers
LawLab
Lawson Smith Lawyers
Lehmann Snell Lawyers (formerly Stirling Henry Legal Solutions)
Lobban McNally Lawyers
M + K Lawyers
Macpherson & Kelley Lawyers (M&K Lawyers)
Maddocks
Makinson & D'Apice
Marque Lawyers
Matthews Folbigg Lawyers
Maurice Blackburn
McCullough Robertson

s47E(d)

Megan Dyson
Meridian Lawyers
Meyer Vandenberg Lawyers
McInnes Wilson Lawyers (formerly t/as Canberra GHM)
Mills Oakley Lawyers
Milton Graham Lawyers
Milton Graham Lawyers (South Australia)
Minter Ellison Lawyers
Moray & Agnew Lawyers
MSP Legal
Norton Rose Fulbright Australia
O'Loughlins Lawyers
Piper Alderman
PricewaterhouseCoopers
Proximity Legal
Quinn Emanuel Urquhart & Sullivan
Rallis Legal
RG Ram Pty Ltd
Rodgers Barnes and Green
Roberts Nehmer McKee Lawyers
Rostron Carlyle Solicitors
Russell Kennedy
Sage Legal Services
Salvos Legal
Sharon Rowe
Simpsons Solicitors
Sneddon Hall & Gallop
Sparke Helmore
SRB Legal
Switch Legal
Terri Janke and Company
Thomson Geer
TressCox Lawyers
Turks Legal
Webb Henderson
William Roberts Lawyers
Wilson/Ryan/Grose Lawyers
Wisewould Mahony
Zeno Lawyers

Other government legal service providers

Attorney-General's Department
Department of Foreign Affairs and Trade
Office of Parliamentary Counsel
Other: (please specify)
Other: (please specify)
Other: (please specify)
Other: (please specify)

Other non-LSMUL firms

Overseas firms (single total figure, individual firm names not required)	s47E(d)
Other: (please specify)	
Other: (please specify)	
Other: (please specify)	
Other: (please specify)	
Other: (please specify)	
Other: (please specify)	
Other: (please specify)	
Total value of professional fees paid	\$2,677,601.18

Commentary

Please outline any analysis you wish to provide relating to the expenditure figures provided above (optional to complete)	
As a result of Machinery of Government this report includes expenditure for the following dates: * full financial year for DSS functions * 1 Jul 15 - 4 Nov 16 for Aged Care functions (DOHA to report the remainder) * 1 Jul 15 - 4 Nov 16 for Child Care functions (DoE to report the rest)	

Legal Services Directions 2005 – Compliance Certificate 2015/16

I, Finn Pratt, Accountable Authority of the Department of Social Services (DSS), certify under the *Legal Services Directions 2005* that during the financial year 2015-16:

- (a) this entity has no record of any possible or actual non-compliance (including alleged) of the Directions by this entity, not previously reported to OLSC:
- Yes No
- (b) this entity has complied with the requirements of the Legal Services Multi-Use List framework including the performance reporting framework, as required by Appendix F of the Directions and the LSMUL Guidance Material.
- Yes No
- (c) this entity has appropriate systems and procedures in place to ensure compliance with the Directions:
- Yes No
- (d) DSS did not use any persons appointed by the Attorney-General under section 63 of the *Judiciary Act 1903* to receive service in proceedings to which the Commonwealth is a party in the 2015-16 financial year.
- (e) DSS has the following procedures in place to ensure compliance with the Directions:
- all DSS lawyers have received training on their obligations and are advised of developments and amendments to the Directions; and
 - all external legal service providers engaged by DSS Legal are required to comply with the Directions and report on any alleged breaches of the Directions under their contracts with the Commonwealth for inclusion on the Commonwealth Legal Services Multi-use List.

Certification of Compliance with the Directions

DSS required all Principal Legal Officers and Deputy Chief Legal Counsels to complete the certificate as part of the Department's assurance processes.

Signed:



Finn Pratt PSM
Secretary, Department of Social Services

Date:

18/8/16



Agency Notification Form

Agency Notification under 11.1(d) of the *Legal Services Directions 2005*

Under paragraph 11.1(d) of the Legal Services Directions 2005 (Directions), an agency must report about any possible or actual non-compliance with the Directions by the agency (including an allegation of non-compliance) of which the agency is aware, and about any corrective steps that have been taken or are proposed to be taken, by the agency.

Please complete this Form and return to OLSC at olsc@ag.gov.au.

Agency notifying OLSC: Department of Social Services Contact Officer: s47F Phone Number: Email: s47F	Date Notification Form lodged with OLSC: 16 October 2015
Matter Name (if applicable) and Court/Tribunal and Reference Details (if applicable): N/A	
Is this the first Notification Form that has been lodged in relation to the possible or actual non-compliance (including an allegation of non-compliance)? No – advice was lodged via the Department’s 2014-15 certificate of compliance	
If no, please specify the dates on which previous Notification Forms have been lodged. 28 August 2015	
Agency’s legal service provider (if applicable): Phone Number: Firm: Australian Government Solicitor Contact Officer: Kathryn Grimes Phone Number: 6253 7513 Email: Kathryn.grimes@ags.gov.au	
Details of other party (if applicable): Name: Phone Number: Email: Legal representative and contact details (if applicable): N/A	
What does the possible or actual non-compliance (including an allegation of non-compliance) relate to: <input type="checkbox"/> Model litigant obligation (specify) _____ <input type="checkbox"/> Tied work <input type="checkbox"/> Counsel engagement <input type="checkbox"/> Failure to report a request for legal advice on a constitutional law matter <input type="checkbox"/> Failure to report a significant legal issue <input type="checkbox"/> Failure to obtain the Attorney-General's approval to settle a claim reported as significant <input type="checkbox"/> Handling monetary claims <input checked="" type="checkbox"/> Other _____ Failure to report on service provider performance _____	
Please provide a brief summary of the background to matter: N/A	

Please outline the circumstances of possible or actual non-compliance (including an allegation of non-compliance): An internal audit of procurement practices identified a small number of occasions where DSS Property area did not report on service provider performance as required by the Legal Services Multi-Use List framework.

Please provide a brief summary of the steps the agency has taken, or proposes to take, to assess and analyse the circumstance of possible or actual non-compliance:

We have amended our internal procurement processes to ensure all legal procurement is done through Legal Services Group.

Please outline findings by the agency including whether or not the circumstances were found to be non-compliant with the Directions, or alternatively, if the agency has not yet resolved the circumstances, please provide a subsequent notification form updating OLSC of the outcome.

As indicated in the Certificate of Compliance we do not consider these to be material breaches.

If an agency has made a finding of non-compliance, please advise who was responsible for the non-compliance:

- The agency
- The legal service provider
- Both the agency and the legal service provider

Corrective steps:

We have amended our internal procurement processes to ensure all legal procurement is done through Legal Services Group.

Other comments:

The Audit also identified 2 instances where a service provider was thought to have invoiced for rates higher than identified on contractual documentation. Further investigation of all invoices from this provider confirmed that the rates were in fact correct and the audit team had mis-interpreted the relevant rate to be applied.



Agency Notification Form

Agency Notification under 11.1(d) of the *Legal Services Directions 2005*

Under paragraph 11.1(d) of the Legal Services Directions 2005 (Directions), an agency must report about any possible or actual non-compliance with the Directions by the agency (including an allegation of non-compliance) of which the agency is aware, and about any corrective steps that have been taken or are proposed to be taken, by the agency.

Please complete this Form and return to OLSC at olsc@ag.gov.au.

Agency notifying OLSC: Department of Social Services Contact Officer: s47F Phone Number: Email: s47F	Date Notification Form lodged with OLSC: 16 October 2015
Matter Name (if applicable) and Court/Tribunal and Reference Details (if applicable): N/A	
Is this the first Notification Form that has been lodged in relation to the possible or actual non-compliance (including an allegation of non-compliance)? No – advice was lodged via the Department's 2014-15 certificate of compliance	
If no, please specify the dates on which previous Notification Forms have been lodged. 28 August 2015	
Agency's legal service provider (if applicable): Firm: Australian Government Solicitor Contact Officer: Kathryn Grimes Phone Number: 6253 7513 Email: Kathryn.grimes@ags.gov.au	
Details of other party (if applicable): Name: Phone Number: Email: Legal representative and contact details (if applicable): N/A	
What does the possible or actual non-compliance (including an allegation of non-compliance) relate to: <input type="checkbox"/> Model litigant obligation (specify) _____ <input type="checkbox"/> Tied work <input type="checkbox"/> Counsel engagement <input checked="" type="checkbox"/> Failure to report a request for legal advice on a constitutional law matter <input type="checkbox"/> Failure to report a significant legal issue <input type="checkbox"/> Failure to obtain the Attorney-General's approval to settle a claim reported as significant <input type="checkbox"/> Handling monetary claims <input type="checkbox"/> Other _____	
Please provide a brief summary of the background to matter: N/A	

Please outline the circumstances of possible or actual non-compliance (including an allegation of non-compliance): Following the decision in Williams No 2 and in accordance with Estimates Memorandum 2014/62 we have frequently sought advice from the Australian Government Solicitor on the constitutional risk of new and redesigned programmes. On a number of occasions we have technically breached the LSDs by not notifying on each and every occasion such advice was sought.

Please provide a brief summary of the steps the agency has taken, or proposes to take, to assess and analyse the circumstance of possible or actual non-compliance:

We are amending our internal procurement documentation to include this step in the process.

Please outline findings by the agency including whether or not the circumstances were found to be non-compliant with the Directions, or alternatively, if the agency has not yet resolved the circumstances, please provide a subsequent notification form updating OLSC of the outcome.

As indicated in the Certificate of Compliance we do not consider these to be material breaches.

If an agency has made a finding of non-compliance, please advise who was responsible for the non-compliance:

- The agency
- The legal service provider
- Both the agency and the legal service provider

Corrective steps:

We are amending our internal procurement documentation to include this step in the process.

Other comments:



Australian Government
Department of Social Services

Finn Pratt AO PSM
Secretary

Ms Petra Gartman
Assistant Secretary
Office of Legal Services Coordination
Attorney-General's Department
3-5 National Circuit
BARTON ACT 2600

Dear Ms Gartman

Under paragraph 11 of the *Legal Services Directions 2005* (the Directions), the Chief Executive is required to provide a certificate setting out the agency's compliance with the Directions and a report on legal services expenditure.

Please find enclosed the 2014-15 Certificate of Compliance and a report on legal services expenditure for the Department of Social Services.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Finn Pratt'.

Finn Pratt

28 August 2015

Legal Services Expenditure Report [Department of Social Services]

All figures should be exclusive of GST

Totals

Total (External + Internal) Expenditure	\$10,225,695.31
Total Internal Legal Services Expenditure	\$7,384,941.63
Total External Legal Services Expenditure	\$2,840,753.68

Summary of External Legal Services Expenditure

Total value of briefs to Counsel	\$25,841.95
Total value of disbursements (excluding counsel)	\$44,886.00
Total value of professional fees paid	\$2,770,025.73
Total External Legal Services Expenditure	\$2,840,753.68

Counsel

Number of direct briefs to male Counsel	1
Number of direct briefs to female Counsel	4
Total number of direct briefs to counsel	5

Number of indirect briefs to male counsel	0
Number of indirect briefs to female counsel	0
Total number of indirect briefs to counsel	0
<i>For information only: Total number of briefs to male counsel</i>	<i>1</i>
<i>For information only: Total number of briefs to female counsel</i>	<i>4</i>
<i>For information only: Total number of briefs to counsel</i>	<i>5</i>

Total value of direct briefs to male counsel	\$2,045.45
Total value of direct briefs to female counsel	\$23,796.50
Total value of direct briefs to counsel	\$25,841.95

Total value of indirect briefs to male counsel	\$0.00
Total value of indirect briefs to female counsel	\$0.00
Total value of indirect briefs to counsel	\$0.00
<i>For information only: Total value of briefs to male counsel</i>	<i>\$2,045.45</i>
<i>For information only: Total value of briefs to female counsel</i>	<i>\$23,796.50</i>
<i>For information only: Total value of briefs to counsel</i>	<i>\$25,841.95</i>

Professional Fees

Aitken Partners	s47E(d)
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s47E(d)

Allen & Overy
Allens
Allygroup
Ashurst
Atanaskovic Hartnell
Australian Business Lawyers and Advisors Pty Ltd
Australian Government Solicitor
Baker & McKenzie
Balazs Lazanas & Welch
Banki Haddock Fiora
Bartier Perry
Beaumont Law
Bradley Allen Love Lawyers
Brown Wright Stein Lawyers
Bruce Thomas Lawyers
Chamberlains Law Firm
Church & Grace
Clayton Utz
Clifford Chance
Clyde & Co
Cooper Grace Ward
Cornwall Stodart
Corrs Chambers Westgarth
Craddock Murray Neumann Lawyers
Cridlands MB
Culshaw Miller Lawyers
Curwoods Lawyers
Davis Faulkner & Co
DibbsBarker
DibbsBarker Canberra
DLA Piper
Eakin McCaffery Cox
FAL Lawyers
FCB Group
Finlaysons
Fisher Jeffries
FOI Solutions
Fox Tucker Lawyers
Franklin Athanasellis Cullen
Gadens Laywers Brisbane
Gadens Lawyers Melbourne
Gadens Lawyers Sydney
Gilbert + Tobin
Grace Lawyers
Greenwich Legal
Griffin Legal
Griffith Hack
Hall & Wilcox
Hamilton Main
Harmers Workplace Lawyers

s47E(d)

Harris Carlson Lawyers
Henry Davis York
Herbert Smith Freehills
Hicksons
Holding Redlich
Holman Fenwick Wilan
Holman Webb
HopgoodGanim
HR Legal
Hunt & Hunt
Hutchinson Legal
HWL Ebsworth Lawyers
Hynes Legal
Jackson McDonald
Johnson Winter & Slattery
Jones Day
Justitia Lawyers and Consultants
Kaden Boriss
Kelly Hazell Quill Lawyers
Kemp Strang
Kemp & Co
Kennedys
Keypoint Law
King & Wood Mallesons
Kinsman Legal
K&L Gates
Lander & Rogers
Lavan Legal
Littles Lawyers
LawLab
Lawson Smith Lawyers
Lehmann Snell Lawyers (formerly Stirling Henry Legal Solutions)
Lobban McNally Lawyers
Macpherson & Kelley Lawyers (M&K Lawyers)
Maddocks
Makinson & D'Apice
Matthews Folbigg
Maurice Blackburn
McCullough Robertson
McInnes Wilson Lawyers
Megan Dyson
Meridian Lawyers
Meyer Vandenberg Lawyers
Mills Oakley Lawyers
Minter Ellison Lawyers
Moray & Agnew Lawyers
MSP Legal
Norton Rose Australia
O'Loughlins Lawyers
Piper Alderman

s47E(d)

Proximity Legal
Quinn Emanuel Urquhart & Sullivan
Rodgers Barnes and Green
Roberts Nehmer McKee Lawyers
Rostron Carlyle Solicitors
Russell Kennedy
Sage Legal Services
Salvos Legal
Simpsons Solicitors
Sparke Helmore
SRB Legal
Switch Legal
Terri Janke
Thomson Geer
TressCox Lawyers
Webb Henderson
William Roberts Lawyers
Wilson/Ryan/Grose Lawyers
Wisewould Mahony

Other government legal service providers

Attorney-General's Department
Department of Foreign Affairs and Trade
Office of Parliamentary Counsel
Other: (please specify)
Other: (please specify)
Other: (please specify)
Other: (please specify)

Other non-LSMUL firms

Overseas firms (single total figure, individual firm names not required)
Other: (please specify)
Other: (please specify)
Other: (please specify)
Other: (please specify)
Other: (please specify)
Other: (please specify)
Other: (please specify)

Total value of professional fees paid

\$2,770,025.73

Commentary

Please outline any analysis you wish to provide relating to the expenditure figures provided above (optional to complete)	
Includes expenditure from SSAT, the Aged Care & Aged Care Pricing Commissioners. Also includes expenditure on Child Care function from 12 March 15 - 30 June 15	

2014-15 Annual Compliance Certificate

I, Finn Pratt, Secretary of the Department of Social Services (DSS), certify under the *Legal Services Directions 2005* that during the financial year 2014-15:

- (a) The Department has not on all occasions advised the Secretary of the Attorney-General's Department where a request for advice has been made to AGS about a constitutional law matter pursuant to Paragraph 10A. These are not regarded as material instances of non-compliance. To address this issue, internal procurement documents will be amended to include this step in the procurement process.

There was no other record of any possible or actual non-compliance (including alleged) of the Directions by this agency, not previously reported to OLSC.

- (b) In May 2015 DSS conducted an audit of external legal services management which identified a small number of occasions where DSS did not report on service provider performance as is required by the Legal Services Multi-Use List framework. The audit also identified two instances where service provider rates on invoices were greater than rates identified on the contractual documentation.

DSS has complied with all other requirements of the Legal Services Multi-Use List framework including the performance reporting framework, as required by Appendix F of the Directions and the LSMUL Guidance Material.

- (c) DSS has appropriate systems and procedures in place to ensure compliance with the Directions.
- (d) DSS did not use any persons appointed by the Attorney-General under section 63 of the *Judiciary Act 1903* to receive service in proceedings to which the Commonwealth is a party in the 2014-15 financial year.
- (e) DSS has the following procedures in place to ensure compliance with the Directions:
- all DSS lawyers have received training on their obligations and are advised of developments and amendments to the Directions; and
 - all external legal service providers engaged by DSS Legal are required to comply with the Directions and report on any alleged breaches of the Directions under their contracts with the Commonwealth for inclusion on the Commonwealth Legal Services Multi-use List.

Certification of Compliance with the Directions

DSS required all Principal Legal Officers and Deputy Chief Legal Counsels to complete the certificate as part of the Department's assurance processes. As a result of this process DSS identified a small number of instances of non-compliance with the Directions that have been reported in section (a) above.

Signed: 

Date: 28/8/15