FOI Document - SOID14228

Legal Services Directions 2025

Annual Certificate of Compliance

2025-2026

Comcare

Subsections 109(2)-(3) of the *Legal Services Directions 2025* (Directions) require an accountable authority of a non-corporate Commonwealth entity and an accountable authority of a corporate Commonwealth entity mentioned in paragraph 7(1)(a) to provide a certificate to OLSC within 60 days of the end of each financial year setting out the extent to which the entity has complied with the Directions (the **Annual Certificate of Compliance**). Submitting an appropriately completed Annual Certificate of Compliance satisfies this obligation.

I, Colin Radford, Accountable Authority of Comcare, certify under the *Legal Services Directions 2025* that during the financial year 2025–26:

(a) this entity reported to OLSC as soon as practicable, 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 appropriate management strategies and practices in place to ensure compliance with the Directions:

☒ Yes ☐ No

(c) this entity has used person/persons appointed by the Attorney-General under section 63 of the *Judiciary Act 1903* (Cth) to receive service in proceedings to which the Commonwealth is a party:

☐ Yes ☒ Not applicable

Signed:



Colin Radford
Chief Executive Officer

28 August 2026

CEO Briefing

For decision

To	Colin Radford, Chief Executive Officer
Subject	FY2025/26 Legal Services Expenditure Report
Timing	Please action before Friday, 28 August 2026

Recommendations

1. **Approve** submission of the FY2025-26 Legal Expenditure Report to the Office of Legal Services Coordination.

2. **Sign** the Certificate of Compliance.

Endorsed/Not endorsed

Signature: _____ **Date:** / /

Contact details	Executive clearance
Responsible Officer: s47F **Position:** Director Legal Practice Management **Phone:** s47F	**General Mangager:** s47F **Signature:** s47F **Date:** 17 August 2026 **Group:** Legal Group

Purpose

1. This brief seeks your approval for Comcare to submit the *Legal Services Expenditure Report* (LSER) *2025-26* (**Attachment A**) and the accompanying *Certificate of Compliance* to be signed by you (**Attachment B**) to the Office of Legal Services Coordination (OLSC) by 31 August 2026.

Background

2. Each financial year Commonwealth entities are required to report their legal services expenditure, provide a headcount of internal lawyers as at 30 June, and provide details of counsel briefed including seniority, gender and number of times briefed.

3. Submission of this information is required to meet our reporting and compliance obligations under the *Legal Services Directions 2025* (the Directions) and to confirm Comcare's adherence to the Directions.

Legal Service Expenditure Report

4. To comply with subsection 112(3) of the Directions, Comcare, as a Corporate Commonwealth Entity (CCE), is required to report its legal expenditure to OLSC, using their approved template, within 60 days after the end of each financial year (no later than 31 August 2026).

5. The LSER at **Attachment A** has been completed in accordance with OLSC guidance and includes the total legal services expenditure for FY25/26, including a breakdown of internal and external expenditure further broken down by legal professional fees, disbursements, and counsel fees.

6. As the financial audit for FY25/26 is yet to be finalised, Comcare's Finance team cleared the LSER and all figures on 7 August 2026.

Table One: Summary of key comparison expenditure data reported for financial years 24-25 and 25-26.

		2024-25	2025-26
Total legal services expenditure		**$22,800,745**	**$22,411,821** *(Decrease of approx. 1.7%)*
External legal service expenditure *External legal service expenditure includes Professional fees, disbursements and Counsel fees*		$12,628,041	$11,289,305 *(Decrease of approx. 10.6%)*
	Professional fees:	*$9,780,209*	*$8,590,351* *(Decrease of approx. 12.1%)*
	Disbursements:	*1,738,654*	*$1,631,658* *(Decrease of approx. 6.2%)*
	Counsel fees:	*$1,109,178*	*$1,067,296* *(Decrease of approx. 3.8%)*
Internal legal services expenditure		$10,172,704	$11,122,516 *(Increase of approx. 9.3%)*

Female senior counsel engagement *Senior counsel includes a barrister of 10 or more years standing at the private bar; counsel who has 10 or more years' experience in being briefed as a barrister to advise or appear; or a barrister who is King's Counsel or Senior Counsel.*	26% of all senior counsel briefs	21% of all senior counsel briefs
Female junior counsel engagement *Junior counsel means all other barristers or counsel.*	66% of all junior counsel briefs	76% of all junior counsel briefs

**Disbursements, for the purpose of this brief, include costs associated with the engagement of independent medical experts, as well as other incidental solicitor disbursements.*

There has been an overall decrease in the total legal services expenditure when compared to the last financial year.

External Legal Expenditure

7. **External legal expenditure has decreased by approximately $1.3M (10.6%) compared to FY24-25. This can be attributed to a reduction in Asbestos related matters and non-*Safety, Rehabilitation and Compensation Act 1988* (SRC Act) claims related litigation (i.e. litigation arising from statutory decisions).**

8. **There has been an increase in the number of SRC Act claims litigation matters in the Administrative Review Tribunal compared to FY24-25 however, 92% of matters in FY25/26 finalised by consent compared to 8% by hearing. This is a contributing factor to the reduction in external expenditure as costs associated with running a matter to a contested hearing are much higher and often take longer to progress.**

External Expenditure Breakdown

Table Two: High-level break down of FY25/26 external expenditure type, amount and funding source.

Expenditure Type	Amount	Main Funding Source
SRC Act Claims management • Initial determination and reconsideration claims advice • Claims litigation in Tribunal and Courts	Approx. $8.5M	Premiums
Common law asbestos related claims management • Advice on liability, contribution/recovery and damages. • Litigation in Tribunal and Courts	Approx. $1.3M	Annual appropriation
Work Health and Safety • investigation/prosecution support and advice including subject matter experts.	Approx. $290k	Annual appropriation
Other • General legal advice.	Approx. $1M	The cost is allocated to the most appropriate cost centre in Comcare aligned to the type of advice being sought.

Internal Legal Expenditure

9. Internal legal expenditure increased by $949k (9.3%) when compared to FY24-25. This can be attributed to salary increases and filling vacancies in the Legal Group.

Counsel

10. For FY25/26, entities are required to report against the equitable briefing targets that applied under the previous *Legal Services Directions 2017* (the 2017 Directions). The 2017 Directions require Comcare to use all reasonable endeavours to select female counsel with relevant seniority, expertise and experience in the relevant practice area with a view to:
    - senior female barristers accounting for at least 25% of all briefs or 25% of the value of all brief fees paid to senior barristers; and
    - junior female barristers accounting for at least 30% of all briefs or 30% of the value of all brief fees paid to junior barristers.

11. Comcare has exceeded the target for junior female counsel and has fallen short by 4% for senior female counsel which may be due to a range of factors including counsel availability, required area of speciality or matter complexity and jurisdiction.

12. While there are no consequences to Comcare for not meeting the senior counsel target, the Legal Group will continue to set expectations as per Comcare's Process for Engaging and Briefing Counsel which requires LSPs and internal legal advisers to consider and recommend at least one female counsel option when engaging counsel. This is even more imperative because new Commonwealth briefing targets were introduced under the new Directions (2025) and must be reported on from this financial year (FY26/27). The new targets require Comcare to make all reasonable efforts to brief appropriately qualified female counsel, with a view to women accounting for:

    - at least 40% of all briefs; and
    - at least 40% of the total value of all briefs.

Certificate of Compliance

13. To comply with subsection 112(4) of the Directions, Comcare as a CCE, is also required to submit a signed Certificate of Compliance (CoC) (**Attachment B**), which requires your signature as the Accountable Authority to certify that Comcare did not use person/persons appointed by the Attorney-General under section 63 of the *Judiciary Act 1903* (Cth) (the Judiciary Act) to receive service in proceedings to which the Commonwealth is a party, during FY25/26.

14. Section 63 of the Judiciary Act applies when the Commonwealth of Australia is named as a party to legal proceedings and requires that court processes and documents are to be served on the Attorney-General or their appointed representative. In practice, this is achieved by service on Senior Executive Lawyers employed by the Australian Government Solicitor.

15. Comcare did not commence any legal proceedings against the Commonwealth of Australia in 2025-2026.

Ongoing Compliance

16. Comcare has obligations under the Directions to act as a model litigant and report as soon as practicable any possible, alleged or apparent non-compliance with the Directions. OLSC monitors compliance through mandatory self-reporting and lodgement of a Compliance Notification Form (Notification Form). Consistent with the Directions, Comcare self-reports all allegations of non-

compliance or actual non-compliance with the directions through completion of the Notification Form which are endorsed by the General Manager Legal Group prior to submission to OLSC.

17. In FY25/26 Comcare received 16 model litigant complaints and 9 are still being assessed. There was one breach identified and Notification Forms were submitted to OLSC on the completion of each assessment.

18. While Comcare is not required as a CCE, to complete sections (a) and (b) of the CoC, we complete these sections as a measure of good practice and to demonstrate our commitment to ongoing compliance with the Directions and the Judiciary Act. The Legal Group uses the following management strategies and mitigation practices to ensure compliance including by any external legal services providers (LSPs) acting on behalf of Comcare.

    - Comcare's Legal Provider Management Framework provides a consistent and comprehensive approach to how we engage and manage LSPs, including how we monitor performance against Comcare's expectations for legal service delivery. The Framework establishes a system of internal control that facilitates LSP compliance with the Directions, other relevant legislation, Tribunal and Court directions, policies and procedures.

    - Comcare's Standing Instructions are procedures governing how LSPs are to provide legal services to Comcare for a range of matter types in accordance with the Whole of Australian Government Legal Services Panel.
    - The binding obligations and legislative instruments as detailed in Comcare's Legal Group Service Charter require in-house legal advisers and LSPs to adhere to the professional obligations of Australian Courts and Tribunals; the Australian Government Legal Services Board's 'Statement of Expectations of Australian Government Lawyers' and the 'General Counsel Charter'; the *Australian Solicitor's Conduct Rules 2015*; and the Directions, including the 'Commonwealth's Obligations to Act as a Model Litigant'.
    - As a condition of employment with Comcare, our in-house legal advisers are required to be admitted as a legal practitioner of the High Court or the Supreme Court of an Australian State or Territory and maintain a current Practising Certificate; and are subject to the conditions and professional obligations of those requirements and the bodies that authorise them.

Consultations

Internal: Corporate Group, Finance and Payroll team

External: External Legal Service Providers

Dissenting Views: N/A

Agreement

Yes

Next steps

Once the Comcare's Legal Service Expenditure Report 2025-26 (**Attachment A**) is endorsed and the Annual Certificate of Compliance (**Attachment B**) is signed, the Legal Group will submit to OLSC before close of business on Monday, 31 August 2026.

FOI Document - SOID14228

Attachments

A. 2025-26 Legal Services Expenditure Report
B. Comcare's Annual Certificate of Compliance

s47F

From: s47F
Sent: Friday, 28 August 2026 12:59 PM
To: s47F
Cc: s47F ; CEO
Subject: RE: FOR DECISION: CEO Brief - FY2025/26 - Legal Services Expenditure Report - due to OLSC by 31 August 2026 [SEC=OFFICIAL]
Attachments: 260828 CEO signed Brief - FY2025-26 - Legal Services Expenditure Report to OLSC.pdf; 260828 CEO signed 2025-26 Annual Certificate of Compliance.pdf

OFFICIAL

Hi s47F

CEO signed brief and certificate attached.

Cheers, s47F

s47F
Executive Assistant to Colin Radford, Chief Executive Officer

Comcare
P: (s47F | M: s47F

Australian Government
Comcare

Comcare
GPO Box 9905, Canberra, ACT
2601
1300 366 979
www.comcare.gov.au



Comcare acknowledges the Traditional Owners and Custodians of country throughout Australia and acknowledges their continuing connection to land, sea and community. We pay our respects to the people, the cultures and the elders past, present and emerging.

From: s47F @comcare.gov.au>
Sent: Tuesday, 18 August 2026 7:30 PM
To: CEO <CEO@comcare.gov.au>
Cc: s47F @comcare.gov.au>
Subject: RE: FOR DECISION: CEO Brief - FY2025/26 - Legal Services Expenditure Report - due to OLSC by 31 August 2026 [SEC=OFFICIAL]

OFFICIAL

Good evening,

My sincere apologies, it appears the subject line in the CEO brief I sent yesterday was blank. Please see the updated brief attached.

Could you also please bring to the CEO's attention that the model litigant breach referred to in paragraph 17

relates to the matter of s47F and Comcare in the Administrative Review Tribunal. The CEO was briefed on this matter however please let me know if he requires any further information.

Regards, s47F

s47F
Director Legal Practice Management
Legal Group | Comcare
M: s47F

Australian Government
Comcare

Comcare
GPO Box 9905, Canberra, ACT
2601
1300 366 979
www.comcare.gov.au

This email may contain legal advice that is subject to legal professional privilege. Care should be taken to avoid unintended waiver of that privilege. Comcare Legal Group should be consulted prior to any decision to disclose the existence or content of any advice contained in this email to a third party.

From: s47F
Sent: Monday, 17 August 2026 5:07 PM
To: CEO <CEO@comcare.gov.au>
Cc: s47F @comcare.gov.au>; s47F @comcare.gov.au>; s47F @comcare.gov.au>
Subject: FOR DECISION: CEO Brief - FY2025/26 - Legal Services Expenditure Report - due to OLSC by 31 August 2026 [SEC=OFFICIAL]

OFFICIAL

Dear OCEO,

Purpose
The purpose of this email is to provide a brief and related attachments for the CEO's approval and action in relation to meeting Comcare's obligations to report our legal expenditure for financial year 2025-26.

Action Required
I am seeking the CEO's signature on Comcare's Certificate of Compliance (**Attachment B**) and his approval to submit the certificate, and the FY25/26 Legal Services Expenditure Report (**Attachment A**) to the Office of Legal Services Coordination by no later than 31 August 2026.

If the CEO has any questions or would like any further information, please let me know.

Regards, s47F

s47F
Director Legal Practice Management
Legal Group | Comcare
M: s47F

Australian Government
Comcare

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www.comcare.gov.au



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Legal Services Directions 2017 – Annual Certificate of Compliance 2024–25

Comcare

Paragraph 11.2 of the *Legal Services Directions 2017* (Directions) requires a non-corporate Commonwealth entity to provide a certificate to OLSC within 60 days of the end of each financial year setting out the extent to which the entity has complied with the Directions. Submitting an appropriately completed Annual Certificate of Compliance satisfies this obligation.

I, Michael Duke, Accountable Authority of Comcare, certify under the *Legal Services Directions 2017* that during the financial year 2024–25:

(a) this entity reported to OLSC as soon as practicable, 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 appropriate management strategies and practices in place to ensure compliance with the Directions:

☒ Yes ☐ No

(c) this entity has used person/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:

☒ Yes ☐ Not applicable

Signed:



Michael Duke
Acting Chief Executive Officer
Comcare

25 August 2025

Australian Government
Comcare

CEO Briefing

For Decision

To Michael Duke, Acting Chief Executive Officer

Subject 2024-25 Legal Services Expenditure Reporting to the Office of Legal Service Coordination

Timing Please action before Friday, 29 August 2024

Recommendations

1. **Note and endorse** the 2024-25 legal expenditure report for submission to the Office of Legal Services Coordination.
2. **Sign** the certificate of compliance.

Endorsed/ Not Endorsed

Signature: ..... / /2025

Purpose

To seek approval for submission of Comcare's Legal Services Expenditure Report 2024-25 (**Attachment A**) and accompanying Certificate of Compliance to be signed by you (**Attachment B**), to the Office of Legal Services Coordination (OLSC), no later than 29 August 2025, ensuring compliance with Comcare's obligations under the *Legal Services Directions 2017* (the Directions).

Background

In accordance with paragraph 12.3(f) of the Directions, Comcare, as a Corporate Commonwealth Entity (entity), is required to report its legal services expenditure to the OLSC, using the OLSC approved template, within 60 days after the end of each financial year (no later than 29 August). This report is to be accompanied by a signed Certificate of Compliance, which sets out the extent to which the accountable authority (you as acting CEO of Comcare) believes there has been compliance by the entity with the Directions.

Key points

The legal services expenditure report includes a breakdown of expenditure by type, values, Counsel gender, and comparison of costs from the previous financial year.

The following table provides a summary of Comcare's key comparison data reported for financial years 2023-24 and 2024-25.

	2023-24	2024-25
Total legal services expenditure	**$21,848,147**	**$22,800,745** *(Increase of approx. 4%)*
	$12,897,602	$12,628,041

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External legal service expenditure *External legal service expenditure includes Professional fees, disbursements and Counsel fees*			*(decrease of approx. 2%)*
	Professional fees:	*$9,930,798*	*$9,780,209* *(decrease of approx. 1.5%)*
	Disbursements:	*1,732,650*	*$1,738,654* *(Increase of approx. 0.3%)*
	Counsel fees:	*$1,234,157*	*$1,109,178* *(Decrease of approx. 10%)*
Internal legal services expenditure *Internal legal service expenditure includes salaries, rent, technology, office expenses)*		$8,950,542	$10,172,704 *(Increase of approx. 13%)*
Senior female counsel engagement		21% of all senior counsel briefs	26% of all senior counsel briefs
Junior female counsel engagement		66% of all junior counsel briefs	66% of all junior counsel briefs

**Disbursements, for the purpose of this brief, include costs associated with the engagement of independent medical experts, as well as other incidental solicitor disbursements.*

External Legal Service Expenditure

Comcare's total external legal service expenditure for FY24/25 was $12,628,041 which is a 2% decrease compared to the previous financial year. The decrease can be attributed to the conclusion of the Royal Commission into Defence and Veteran Suicide which accounted for $700,000 of the external legal expenditure in FY23/24 year compared to $70,000 in FY24/25. However, this was offset by an increase in external legal expenditure for litigation arising out of Comcare decisions (Freedom of Information, Privacy, PID) and legal support on Comcare employment matters (Code of Conduct, employment advice and work health and safety).

Internal Legal Service Expenditure

Comcare's total internal legal service expenditure for FY24/25 was $10,172,704 which is a 13% increase compared to the previous financial year. The increase can be attributed to salary increases and filling vacancies in the Legal Group.

Counsel Engagement

The Directions include equitable briefing targets for briefing female counsel. These targets are:

- Senior female account for at least 25% of all briefs, or 25% of the value of all briefs paid to senior barristers; and
- Junior female barristers account for at least 30% of all briefs, or 30% of the value of all briefs paid to junior barristers.

Comcare has exceeded the target for equitable briefing of junior female counsel and met the target for equitable briefing of senior female counsel in accordance with the Directions. Comcare's Process for Briefing and Engaging Counsel requires external Legal Service Providers (LSPs) and internal legal advisers to consider and recommend at least one female counsel option when engaging Counsel.

Compliance Certificate

The Annual Certificate of Compliance 2024 – 25 (**Attachment B**) requires your signature as the Accountable Authority to certify under the Directions that during the financial year Comcare has:

1. reported to OLSC as soon as practicable, all apparent or possible non-compliance with the Directions, or allegations of non-compliance.

2. appropriate management strategies and practices in place to ensure compliance with the Directions.

3. used person/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.

Model Litigant Complaints (points 1 + 2)

Comcare has obligations under the Directions to act as a model litigant and OLSC are responsible for the administration of the Directions. OLSC monitor compliance through mandatory self-reporting by Commonwealth agencies and completion of agency notification forms. Consistent with the Directions, Comcare self-reports where a model litigant complaint is and notifies OLSC of allegations of non-compliance or actual non-compliance with the directions through completion of an agency notification form which are endorsed by the General Manager Legal Group.

In FY24/25 Comcare received 19 model litigant complaints and three of those are still being assessed. There were no breaches identified for the other 16 completed complaints and Comcare submitted agency notification forms to OLSC.

S63 Judiciary Act (point 3)

Section 63 of the Judiciary Act states that where the Commonwealth is party to proceedings service shall be done by the Attorney-General of the Commonwealth or by any person appointed by the Attorney-General.

Comcare has used the Australian Government Solicitor to effect service on Services Australia in the matter s47F (Comcare) v The Commonwealth (Services Australia).

Consultation

Internal: Finance, Corporate Management Group

External: External Legal Service Providers

Dissenting Views: N/A

AGREEMENT: YES

Next steps

The Legal Group will submit Comcare's 2024-25 Legal Service Expenditure Report and Certification of Compliance to OLSC before close of business, Friday 29 August 2025.

Attachments

Attachment A: 2024-25 Legal Service Expenditure Report

Attachment B: Comcare's Certificate of Compliance

Contact details:	**Executive sponsor:**
Responsible Officer: s47F Position: Assistant Director Legal Group Phone: s47F	General Manager: s47F Group: Legal Group Phone: s47F

s47F

From: s47F
Sent: Monday, 25 August 2025 3:23 PM
To: s47F
Cc: s47F ;s47F ; CEO
Subject: RE: FOR CEO CLEARANCE: 2024-2025 Legal Services Expenditure Reporting - due COB Thursday 28 August 2025 [SEC=OFFICIAL]
Attachments: 250825 ACEO signed OLSC Comcare 2024-25 Annual Certificate of Compliance.pdf

Categories: Finance

OFFICIAL

Hi s47F

Mick has approved this, and the signed certificate is attached.

Cheers, s47F

s47F
Executive Assistant to the CEO

Comcare
P: s47F | M: s47F

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Comcare

Comcare
GPO Box 9905, Canberra, ACT 2601
1300 366 979
www.comcare.gov.au



Comcare acknowledges the Traditional Owners and Custodians of country throughout Australia and acknowledges their continuing connection to land, sea and community. We pay our respects to the people, the cultures and the elders past, present and emerging.

From: s47F @comcare.gov.au>
Sent: Monday, 25 August 2025 10:10 AM
To: CEO <CEO@comcare.gov.au>
Cc: s47F @comcare.gov.au>; s47F @comcare.gov.au>; s47F @comcare.gov.au>
Subject: FOR CEO CLEARANCE: 2024-2025 Legal Services Expenditure Reporting - due COB Thursday 28 August 2025 [SEC=OFFICIAL]

OFFICIAL

Dear Mick,

FOR Ag CEO CLEARANCE - DUE COB THURSDAY 28 AUGUST

Purpose
To seek your Ag CEO approval of Comcare's 2024-2025 Legal Services Expenditure Reporting due to the Office of Legal Services Coordination (OLSC) by COB Friday 29 August.

Action Required:
- **note and endorse** the OLSC Comcare 2024-25 Legal Services Expenditure Report
- **sign** the OLSC Comcare 2024-25 Annual Certificate of Compliance

BACKGROUND
- Australian Government agencies are required to report their previous financial year legal services expenditure to the OLSC, within 60 days after the end of each financial year (no later than 29 August).
- Agencies must provide a Certificate of Compliance signed by the Accountable Authority (CEO).
- Agencies must complete the OLSC provided template for expenditure reporting.
- A new requirement is for Agencies to complete the number of government lawyers report.
- This package was cleared by GM Legal on 22 August.

NEXT STEPS
The Legal Practice Management team will lodge the signed Certificate of Compliance and Expenditure Report to the OLSC by COB, Friday 29 August 2025.

ATTACHMENTS
1. Ag CEO Brief – 2024-25 Legal Services Expenditure Report to OLSC
2. OLSC Comcare 2024-25 Legal Services Expenditure Report
3. OLSC Comcare 2024-25 Annual Certificate of Compliance

If there are any questions regarding the request, please don't hesitate to contact me.

Kind Regards,
s47F

s47F
Assistant Director – Operations, Data & Finance
Legal Practice Management | Legal Group | Comcare
P: s47F M: s47F

Please note I am out of the office on Wednesdays

Australian Government
Comcare

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Legal Services Directions 2017 –

Annual Certificate of Compliance

2023–24

Comcare

I, Gregory Vines, Accountable Authority of Comcare, certify under the *Legal Services Directions 2017* that during the financial year 2023–24:

(a) this entity reported to OLSC as soon as practicable, all apparent or possible non-compliance with the Directions, or allegations of non-compliance of which the entity is aware:

☒ Yes ☐ No ☐ Not applicable

(b) this entity has appropriate management strategies and practices in place to ensure compliance with the Directions:

☒ Yes ☐ No ☐ Not applicable

(c) this entity has used person/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:

☐ Yes ☒ Not applicable

Signed:



Gregory Vines

Chief Executive Officer

Date: 29 August 2024

Australian Government

Comcare

CEO Briefing

For Decision

To Greg Vines, Chief Executive Officer

Subject 2023-24 Legal Services Expenditure Reporting to the Office of Legal Service Coordination

Timing Please action before Thursday, 29 August 2024

Recommendations

1. **Endorse** the 2023-24 legal expenditure report for submission to the Office of Legal Services Coordination.

Endorsed

Signature: ..... . 29 / 08 /2024

Purpose

To seek approval for submission of Comcare's Legal Services Expenditure Report 2023-24 (**Attachment A**) and accompanying Certificate of Compliance to be signed by you (**Attachment B**), to the Office of Legal Services Coordination (OLSC), no later than 29 August 2024, ensuring compliance with Comcare's obligations under the *Legal Services Directions 2017* (the Directions).

Background

In accordance with paragraph 12.3(f) of the Directions, Comcare, as a Corporate Commonwealth Entity (entity), is required to report legal services expenditure to the OLSC, using the OLSC approved template, within 60 days after the end of each financial year (no later than 29 August). This report is to be accompanied by a signed Certificate of Compliance, which sets out the extent to which the accountable authority (you as CEO of Comcare) believes there has been compliance by the entity with the Directions.

Key points

The legal services expenditure report includes a breakdown of expenditure by type, values, Counsel gender, and comparison of costs from the previous financial year.

The following table provides a summary of Comcare's key comparison data reported for financial years 2022-23 and 2023-24.

	2022-23	2023-24
Total legal services expenditure	**$21,090,923**	**$21,848,147** *(Increase of approx. 3.5%)*
External legal service expenditure	$12,176,403	$12,897,602 *(Increase of approx. 6%)*

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External legal service expenditure includes Professional fees, disbursements and Counsel fees	*Professional fees:*	*$9,130,697*	*$9,930,798 (Increase of approx. 9%)*
	Disbursements:	*1,703,505*	*$1,732,650 (Increase of approx. 2%)*
	Counsel fees:	*$1,342,201*	*$1,234,157 (Decrease of approx. 8%)*
Internal legal services expenditure		$8,914,520	$8,950,542 *(Increase of approx. 0.4%)*
Senior female counsel engagement	30% of all senior counsel briefs		21% of all senior counsel briefs
Junior female counsel engagement	37% of all junior counsel briefs		66% of all junior counsel briefs

**Disbursements, for the purpose of this brief, include costs associated with the engagement of independent medical experts, as well as other incidental solicitor disbursements.*

The overall increase in external legal expenditure can be attributed to:

- an increase in Administrative Appeals Tribunal (AAT) applications and matters being referred to the Federal Court or Higher Courts.
- an increase in Asbestos-related matters in Tribunals and Courts.
- an increase in professional legal fees as a result of an increase in Tribunal and Court matters.

The increase in internal legal expenditure can be attributed to filling vacancies across the Legal Group.

Comcare has exceeded the OLSC target for equitable briefing of junior female counsel (set at 30%) in accordance with the Directions. Comcare has not reached the target for the briefing of senior female counsel (set at 25%) which may be due to a range of factors including Counsel availability, required area of specialty or matter complexity or jurisdiction. While there are no reporting consequences to Comcare for not meeting the senior female counsel target. Comcare's General Standing Instructions requires our Legal Service Providers (LSPs) and internal legal advisers to consider and recommend at least one female counsel option when engaging Counsel.

The Legal Practice Management team will be resetting expectations with LSPs and updating governance frameworks under the new Whole of Australian Government Legal Services Panel. This includes ongoing monitoring of engaging equitable Counsel across all matters.

Consultation

Internal: Finance, Corporate Management Group

External: External Legal Service Providers

Dissenting Views: N/A

AGREEMENT: YES

Next steps

Once endorsed, the Legal Group will submit Comcare's 2023-24 Legal Service Expenditure Report and Certification of Compliance to OLSC before close of business, Thursday 29 August 2024.

Attachments:
Attachment A: 2023-24 Legal Service Expenditure Report
Attachment B: Comcare's Certificate of Compliance

Contact details: Executive sponsor:

Responsible Officer: s47F	General Manager: s47F

FOI Document - SOID14228

Position: Assistant Director Legal Group Phone: s47F	Group: Legal Group Phone: s47F

s47F

From: s47F
Sent: Thursday, 29 August 2024 11:11 AM
To: s47F
Cc: s47F ; s47F
Subject: CEO APPROVED: 2023-2024 Legal Services Expenditure Reporting - due midday Thursday 29 August [SEC=OFFICIAL]
Attachments: 240829 CEO Endorsed Brief - OLSC report on legal services expenditure 2023-24.docx; 240829 CEO signed - Comcare - Annual Certificate of Compliance 2023-24.docx

OFFICIAL

Good morning s47F ,

The CEO has:

- **endorsed** the CEO brief and
- **approved** the Legal Services Expenditure Report (Attachment A).
- **signed** the Certificate of Compliance (Attachment B).

s47F – please save these in the CEO folder.

Thanks,

s47F

Kind regards

s47F
Executive Officer to the Chief Executive Officer
Comcare
E | s47F @comcare.gov.au
P | s47F
M |s47F

Australian Government
Comcare

Comcare
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Comcare acknowledges the Traditional Owners and Custodians of country throughout Australia and acknowledges their continuing connection to land, sea and community. We pay our respects to the people, the cultures and the elders past and present.

From: s47F @comcare.gov.au>
Sent: Monday, August 26, 2024 4:44 PM
To: s47F @comcare.gov.au>; s47F @comcare.gov.au>
Cc: s47F @comcare.gov.au>; s47F @comcare.gov.au>
Subject: FOR CEO CLEARANCE: 2023-2024 Legal Services Expenditure Reporting - due midday Thursday 29 August [SEC=OFFICIAL]

OFFICIAL

Dear s47F ,

FOR CEO CLEARANCE
DUE MIDDAY, THURSDAY 29 AUGUST

Purpose
To seek you CEO approval of Comcare's 2023-2024 Legal Services Expenditure Reporting due to the Office of Legal Services Coordination (OLSC) by COB Thursday 29 August.

Action Required:
- **endorse** the CEO brief and
- **approve** the Legal Services Expenditure Report (Attachment A).
- **sign** the Certificate of Compliance (Attachment B).

BACKGROUND
- Australian Government agencies are required to report their previous financial year legal services expenditure to the OLSC, within 60 days after the end of each financial year (no later than 29 August).
- Agencies must provide a Certificate of Compliance signed by the Accountable Authority (CEO).
- Agencies must complete the OLSC provided template for expenditure reporting.
- A new requirement is for Agencies to complete the number of government lawyers report.
- This package was cleared by GM Legal on 23 August.

NEXT STEPS
The Legal Practice Management team will lodge the signed Certificate of Compliance and Expenditure Report to the OLSC by COB, Thursday 29 August 2024.

ATTACHMENTS
1. CEO Brief – 2023-24 Legal Services Expenditure Report to the OLSC
2. Attachment A - Comcare 2023-2 Legal Services Expenditure Report
3. Attachment B - Comcare Annual Certificate of Compliance 2023-24
4. Attachment C – AGLS – Number of Government Lawyers Report

If there are any questions regarding the request, please don't hesitate to contact me.

Thanks,
s47F
Director Legal Practice Management
Legal Group | Comcare
M: s47F

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