

Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Industry Portfolio
Budget Estimates Hearing 2014-15
2-3 June 2014

AGENCY/DEPARTMENT: DEPARTMENT OF INDUSTRY

TOPIC: Legal Advice on the Automotive Transformation Scheme

REFERENCE: Question on Notice (Hansard, 2 June 2014, page 68-69)

QUESTION No.: BI-33

Senator KIM CARR: Sure. Can I ask you about a tender. AusTender lists two contracts: CN1870031, agency reference No. ID0071830. This is a contracts for \$17,600, which I understand was issued by limited tender in November last year. It was to provide a synopsis and policy implications report. A further contract, No. CN1916461, agency reference No. 0072720, was for \$25,000. It was for a prequalified tender in December 2013 to provide legal advice on the Automotive Transformation Scheme.

Ms Beauchamp: Senator, whilst we are looking for one of those contracts, the head of our legal area can answer your questions in relation to the legal contract.

Senator KIM CARR: That is the \$25,000 one?

Ms Tregurtha: Senator, I do not have the details of the contract. I just was not sure what the question was.

Senator KIM CARR: Why did you need to have specialist legal advice?

Ms Tregurtha: I would have to go and look at the detail, if that is the nature of the question.

Senator KIM CARR: You have a very experienced, longstanding division. Why would you need specialist legal advice?

Ms Tregurtha: Well, I do not know exactly what the nature of the 33advice was, but there is some work that is required. There is tied work under the legal services directions. But I am speculating as to the reason; I would have to take it on notice.

Senator KIM CARR: The officer is taking a dangerous course of action, I might suggest.

Ms Beauchamp: Senator, in the interest of time, could we take those on notice?

Senator KIM CARR: Well, no, you may not be able to, because I would like to know why it was required to have a prequalified tender. What is a prequalified tender?

Ms Tregurtha: That probably refers to the fact that legal advice is sourced from the legal services multi-use list.

Senator KIM CARR: You have got a list of consultant lawyers. Is that right?

Ms Tregurtha: The Commonwealth as a whole, the Attorney-General's Department, administers the legal services multi-use list.

Senator KIM CARR: But the department does not have a list of –

Ms Tregurtha: No, the department does not. The department sources its legal advice from the multi-use list.

Senator KIM CARR: The contract was for a period from 1 October last year to 30 June this year, so I presume the work is ongoing.

Ms Tregurtha: I would have to check on the details, Senator.

Senator KIM CARR: Thank you. Can I ask what was the purpose—

Senator Ronaldson: You would not be getting much from a lawyer for 25 grand over six months, I would not have thought.

Senator KIM CARR: We want to find out what the work is for. Can you tell me that?

Ms Tregurtha: No, I cannot. I would have to take that on notice.

Senator KIM CARR: Thank you very much. Is it true that your cannot reduce the funding for the Automotive Transformation Scheme without legislation?

Ms Tregurtha: Senator, I would have to take that on notice. I am not across the detail on that.

Senator KIM CARR: Do we have an officer here that can help us with that?

Ms Beauchamp: Chair, it is probably best to answer that within the program when it comes up.

CHAIR: Okay.

Senator KIM CARR: I am just wondering: was that the legal matter that you were trying to resolve?

Ms Tregurtha: As I said, Senator, I cannot answer that question. I would have to look at the detail.

In relation to a contract listed on AusTender - CN1916461 for \$25,000 for a prequalified tender to the AGS for legal advice on the Automotive Transformation Scheme:

- a. What was the nature of the advice sought?
- b. Is the advice finalised?
- c. What is the outcome (or expected outcome) of the advice?

ANSWER

The Department engages legal service providers from the Legal Services Multi Use List in accordance with the requirements of the Legal Services Directions and is administered by the Attorney-General's Department. The Australian Government Solicitor (AGS) is included on this list.

The AGS has provided advice on the ATS legislation for a number of years including advice in 2013. The advice informs the Commonwealth's administration of the ATS Scheme. The advice requested in 2013 is finalised. The advice attracts legal professional privilege. It is not in the public interest to disclose legal advice the Commonwealth has received about the administration of the scheme.