

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

Group: 2

Program 1.8

Question No. SBE14/178

Senator Bilyk asked the following written question from the 20 November and 11 December 2014 hearings.

Noting that Minter Ellison's fees have already partially been reported on Austender and are therefore a matter of public record (Attachment C):

1. Noting the contract with Minter Ellison, why is there a difference of \$5,918,000,00 million between the original contract and the amended version?
2. Was the contract awarded to Minter Ellison publically advertised?
3. Was there a tender or similar open competitive tender process used to award this contract? Was it a full tender? Please explain the process including how many bidders participated in the process, how the process was assessed and the outcome of the process.
4. Why was the contract given to Minter Ellison?
5. Was the decision to award the contract to Minter Ellison considered by Cabinet?
6. Who identified Minter Ellison?
7. Who approved the appointment?
8. Did the Attorney General have any influence on this appointment?
9. Was any consideration given to the potential conflict of interest arising from the fact that the Minister was formerly an employee of Minter Ellison?
10. Why are the supplier details on Austender linked to Minter Ellison in Brisbane rather than Sydney, where the Trade Union Royal Commission and Minter Ellison's Head Office is based?
11. Was the Minister or his office briefed on the contract?
 - a. If so, on what date(s)?
12. Was the Prime Minister or his office briefed on the appointment?
 - a. If so, on what date(s)?
13. Was the appointment recommended by the bureaucracy?
14. Are Minter Ellison solicitors receiving travelling allowance or any other allowance if they are required to preside over hearings away from their home base?
 - a. If so, what is the amount?
 - b. How is it calculated?

- c. What is the total amount of travelling allowance paid to Minter Ellison solicitors since the TURC commenced?
15. Are there any other accommodation costs paid on behalf of the Minter Ellison solicitors?
16. When Minter Ellison solicitors travel for TURC hearings, do they travel in business class?
17. How much has been paid in air fares for Minter Ellison solicitors since the TURC commenced?
18. Have Minter Ellison solicitors been paid a mobile telephone allowance?
 - a. If so, how much?
19. Have Minter Ellison solicitors been provided with a mobile telephone?
 - a. If so, what make and model?

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

1. The figure published in AusTender under the original contract relates only to the amount required for the 2013–2014 financial year. It does not take into consideration the funding allocated for the 2014–2015 financial year.
2. No.
3. Minter Ellison law firm was engaged under a limited tender procurement pursuant to rule 10.3.b of the Commonwealth Procurement Rules. A thorough assessment was made of a number of factors to ensure the procurement represented value for money as well as an efficient, effective, economical and ethical use of resources.
4. See (3) above.
5. No.
6. Minter Ellison was identified as a suitable Solicitor to the Royal Commission by Commissioner Heydon and Counsel Assisting.
7. The then Secretary of the Attorney-General's Department, Roger Wilkins AO, following consideration of the needs of the Royal Commission and value for money considerations.
8. No.
9. No.
10. AusTender produces the supplier details according to the ABN provided.
11. No.
12. No.
13. The then Secretary of the Attorney-General's Department, Roger Wilkins AO, approved the appointment.

14. Travelling arrangements are dealt with under the contract between TURC and Minter Ellison.
15. Accommodation for interstate travel related to TURC is provided.
16. Minter Ellison solicitors' class of travel is determined by reference to the Attorney-General's Department's Employee Relations Advices on travel. The Special Counsel, Lawyers, Associates and Senior Associates travel at the non-SES designated class of travel.
17. To provide this amount would be an unreasonable diversion of resources.
18. No.
19. Only Minter Ellison employees at Senior Associate level and above. Those employees are provided with an iPhone 5.