

**SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION
LEGISLATION COMMITTEE**

**2005-2006 BUDGET SENATE ESTIMATES HEARING
30, 31 MAY and 3 JUNE 2005**

EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO

QUESTIONS ON NOTICE

Indigenous Business Australia

Question Number: W371-06

Question:

Senator Ludwig provided in writing:

Does the Agency use an open tendering or select tendering process (as described in the Commonwealth Procurement Guidelines, p 42) when procuring legal services?

If a select tendering process is used: (a) which method of select tendering is used and (b) which firms or individuals are currently eligible to tender for legal services?

If a multi-use list is used: (a) which firms or individuals are currently on that list and (b) when was the list last opened for applications?

Answer:

Indigenous Business Australia (IBA) is a Commonwealth Statutory Authority subject to the Commonwealth Authorities and Companies Act 1997 (CAC). Regulation 9 (1) of the CAC Regulations specifies those Commonwealth agencies which are subject to Commonwealth Procurement Guidelines. IBA is not listed.

With regard to its legal services IBA has had a long term professional relationship with the legal firm Mallesons Stephen Jaques (MSJ). On a periodic basis this arrangement is tested to ensure IBA continues to receive value for money with regard to its legal services.

The current arrangement with MSJ resulted from an open tender process undertaken by the Australian National Audit Office (ANAO) for the selection of its legal services. MSJ were the successful legal firm. IBA's agreement with MSJ is linked to the fees structure provided to the ANAO.

In addition to the above, as a result of the abolition of ATSIC and ATSIIS, IBA has inherited the Home Ownership Programme (HOP) and the Business Development Programme (BDP). Both programmes have had a long history with the Australian Government Solicitors (AGS) in regard to loan and security documentation. In the short term this arrangement has continued, however, IBA intends to review its legal services arrangements in the 2005-06 financial year.