

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

**Output: All**

**Question No. 163**

**Senator Barnett asked the following question at the hearing on 27 May 2009:**

In relation to the Portfolio's consultancies, please provide an update to your previous answer:

- a) How many consultancies have been undertaken since November 2007?
- b) Please identify the name of the consultant, the subject matter of the consultancy, the duration and cost of the consultancy, and the method of procurement (ie. open tender, direct source, etc). Could you please also include total value for all consultancies?
- c) Is the Department up to date with its 'AusTender' reporting requirements, If not, why not,
- d) How many consultancies are planned / budgeted for the remainder of this calendar year, and for the 2009/10 financial year?
- e) Have these been published in your Annual Procurement Plan (APP) on the AusTender website and if not, why not, and
- f) In each case please identify the subject matter, duration, cost and method of procurement as above, and the name of the consultant if known.

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

- a) 622.
- b) Attachment A sets out in detail the breakdown of consultancies for each agency, including the Department. Consultancies have been identified as either "underway/completed" or "planned/budgeted". The total value for all consultancies undertaken since November 2007 is \$39,306,297.

All items listed were reassessed against the definition of consultancies set out in the Department of Finance and Deregulation's *Guidance on Procurement Publishing Obligations, Financial Management Guidance No. 15* (FMG 15). As a result of applying this policy across the portfolio some items have been reassessed as 'not a consultancy' since the previous answer (QoN 115). These items are included in Attachment A but are marked with strikethrough.

- c) Yes, the Department and those agencies that are required to comply with the AusTender reporting requirements are up to date. The agencies listed below are not required to comply with the AusTender reporting requirements.

Criminology Research Council	The Criminology Research Council is a <i>Commonwealth Authorities and Companies Act</i> (CAC) Agency. The Council is not required to report on AusTender as AusTender reporting only applies to those agencies listed under Schedule 1 of the <i>Commonwealth Authorities and Companies Regulations 1997</i> . Criminology Research Council is not listed under Schedule 1.
Australian Security	ASIO does not report any details on AusTender of contracts it has awarded

Intelligence Organisation	for reasons of national security. Details of ASIO contracts can be made available to Members of Parliament as a confidential briefing or to the Parliamentary Joint Committee on Intelligence and Security on request
Australian Government Solicitor	AGS is a statutory authority and a government business enterprise (GBE). It operates on a fully commercial and competitive basis and does not receive any funding from budget or other parliamentary appropriations. As a GBE AGS is not required to publish information about its contracts as part of AusTender or in its annual report, or to publish an annual procurement plan.
The High Court of Australia	The High Court of Australia is a part of the Commonwealth and is an "agency" named in annual Appropriations Acts. However, it is not a prescribed agency under the FMA Act, due to its status under its enabling legislation. Therefore it is not required to comply with the Commonwealth Procurement Guidelines.

d) 35.

- e) Three planned consultancies have been published in Annual Procurement Plans (APP). Reasons for not publishing consultancies in Annual Procurement Plans are included in the comments column of the report provided at Attachment A.

The Department of Finance and Deregulation's guidance (FMG 15) in relation to publishing Annual Procurement Plans requires that agencies draw suppliers' early attention to agencies' planned procurements for the forthcoming financial year. This would normally only apply to procurements of \$80,000 or more undertaken using an Open Tender. On this basis, most planned procurements below \$80,000 have not been advertised on APPs as they will not be going to open tender.

- f) Planned/budgeted consultancies are included at Attachment A which sets out in detail the breakdown of consultancies for each agency, including the Department. Consultancies have been identified as either "underway/completed" or "planned/budgeted". Where items have been reassessed since the previous answer (QoN 115) as 'not a consultancy' strikethrough has been used.