

Senate Standing Committee on Environment and Communications

Answers to Senate Estimates Questions on Notice

Additional Estimates Hearings February 2014

Communications Portfolio

NBN Co Limited

Question No: 141

Program No. NBN Co Limited

Hansard Ref: In Writing

Topic: Legal Costs

Senator Ludwig asked:

List all legal costs incurred by the Department or Agency since 7 September 2013.

1. List the total cost for these items, broken down by source of legal advice, hours retained or taken to prepare the advice and the level of counsel used in preparing the advice, whether the advice was internal or external.
2. List cost spend briefing Counsel, broken down by hours spend briefing, whether it was direct or indirect briefing, the gender ratio of Counsel, how each Counsel was engaged (departmental, ministerial).
3. How was each piece of advice procured? Detail the method of identifying legal advice.

Answer:

1. As at 28 February 2014, the total fees paid to external law firms for all legal and regulatory support services by NBN Co was \$6,395,884 (six months inclusive from 1 September 2013 to 28 February 2014).
2. NBN Co has a competitive panel arrangement in place and has retained Corrs Chambers Westgarth, Allens Linklaters, Clayton Utz and Ashurst as its panel of external legal advisors. However, NBN Co does from time to time go off panel for specialist advice where necessary. To provide the total fees on a per firm basis, hours retained per firm and the level of counsel used in preparing advices is likely to be in breach of our confidentiality obligations with each firm. NBN Co is not subject to the Commonwealth Legal Services Directions 2005. Further, to provide this information would be an unreasonable diversion of resources.
3. NBN Co has a competitive panel arrangement in place and allocates external legal work based on an External Law Firm Briefing Policy that includes subject matter expertise and achieving value for money in each case.