

## **Question on notice no. 199**

**Portfolio question number: AE24-217**

### **2023-24 Additional estimates**

#### **Legal and Constitutional Affairs Committee, Attorney-General's Portfolio**

**Senator David Shoebridge:** asked the Federal Court of Australia on 26 February 2024—

- (1. Regarding the decision to engage Mr B, what processes or investigations are currently being undertaken?
2. Is it true that Mr B was provided with his contract of employment, by a member of the selection committee considering applications for the National Registrar role he was selected to fill, 28 days before the selection committee had made a formal decision on 5 October 2018?
3. Is it true that Mr B was provided with his contract of employment, by a member of the selection committee considering applications for the National Registrar role he was selected to fill, 28 days before the Agency Head's delegate endorsed the selection committee's decision selecting Mr B as a successful candidate for a National Registrar role on 5 October 2018?
4. Who was the Agency Head's delegate who endorsed the selection committee's decision selecting Mr B as a successful candidate for a National Registrar role on 5 October 2018?
5. Is it true that, at the time he was selected as the successful candidate for a National Registrar role on 5 October 2018, Mr B has not been admitted as a practitioner of the Supreme Court of a State or Territory, or the High Court of Australia?
6. When was Mr B first admitted as a practitioner of the Supreme Court of a State or Territory, or of the High Court of Australia?
7. When was Mr B first directed to exercise powers of the Federal Court of Australia pursuant to a direction by a judge under section 35A of the Federal Court of Australia Act 1976 (Cth) ?
8. Is it true, as reported in an article in The Australian in May 2023, that two of three members of the selection committee that selected Mr B - David Pringle and Andrea Jarrat - exchanged email correspondence, after they had selected Mr B as a National Registrar, advertng to or in any way discussing Mr B's completion of a practical legal training course?
9. Is it true, as reported in an article in The Australian in February 2022, that senior administrators in the Federal Court of Australia raised concerns about Mr B's lack of legal experience with either or both of Andrea Jarrat or Sia Lagos in February 2019?
10. Is it true that, in response to his claim about his "demonstrated knowledge of the Federal Court's jurisdiction, practices and procedures, or the ability to acquire such knowledge quickly and the ability to interpret and apply rules and regulations", Mr B commenced his response with "It was my paralegal role ... where I first acquired a heightened understanding of the Federal Court's jurisdiction and procedure, albeit in family law"?

11. Is it true that Mr B's supervisor, at the time that Mr B applied for the National Registrar role and at the time he was interviewed for the role, was David Pringle, a member of the selection panel?

12. In an article published in The Australian on 8 February 2022, the authors of the article advert to an applicant who was not selected for the National Registrar role given to Mr B despite the fact that she was "a lawyer who had been a litigator since 1994 specialising in Federal Court matters" and that "she had previously been a deputy district registrar with the court, lectured at the University of NSW and had published several books about Federal Court litigation." Is the lawyer in question Dr Natalie Cujes, a former deputy district registrar of the Federal Court and a noted expert on the subject of the Federal Court's jurisdiction and procedures?

13. In the light of all evidence available to the Federal Court, will the Chief Executive and Principal Registrar assure the Legal and Constitutional Affairs committee that the decision made by Sia Lagos, David Pringle and Andrea Jarrat on 5 October 2018 to select Mr B as National Registrar was a merit-based selection decision, in conformity with the requirements of the Public Service Act 1999 (Cth) and the prevailing version of the Australian Public Service Commissioner's Directions?