

**Senate Standing Committee on Environment and Communications**

**Answers to Senate Estimates Questions on Notice**

**Supplementary Budget Estimates Hearings November 2014**

**Communications Portfolio**

**NBN Co Limited**

**Question No: 132**

**Program No. NBN Co**

**Hansard Ref: In Writing**

**Topic: Legal Costs**

**Senator Ludwig asked:**

Since Budget Estimates in June, 2014:

List all legal costs incurred by the department or agency

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 spent 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. For the five month period (inclusive) from 1 July 2014 to 30 November 2014 the total fees paid to external law firms for all legal and regulatory support services by NBN Co was \$21.32 million, which in particular includes legal and regulatory fees incurred in relation to the re-negotiation and recent execution of the Telstra and Optus deals.
2. NBN Co has a competitive panel arrangement in place, which was fully re-tendered in mid-2014. However, NBN Co does from time to time go off-panel for specialist advice where necessary. To provide the total fees on a per hour and level of counsel basis is likely to be in breach of our confidentiality obligations with each firm and to provide this information would be an unreasonable diversion of resources.
3. See Answer to Question 2 above.
4. NBN Co has a competitive panel arrangement in place, which was fully re-tendered in mid-2014, 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.