

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

Group: 2

Program: 1.8

Question No. SBE14/177

Senator Bilyk asked the following question at the hearing on 20 November 2014:

Noting that Thomas Prince's fees have already partially been reported on Austender and are therefore a matter of public record (Attachment B):

1. What legal work has Thomas Prince conducted since his appointment and contract of \$132,440?
2. Are there any reasons why this appointment was not made at the beginning of the TURC hearings?
3. Was this position publically advertised?
4. How many applicants were considered for the position?
5. Was the applicant assessed according to a merits based selection criteria?
 - a. If so, please describe the assessment process and the outcome.
6. Was any consideration given to the potential conflict of interest arising from the appointment of a candidate who is a previous scholar with the "Menzie's Institute"?
7. Was the appointment considered by Cabinet?
8. Who identified the appointee as a potential candidate for appointment?
9. Who approved the appointment?
10. Was the Minister or his office briefed on the appointment?
 - a. If so, on what date(s)?
11. Was the Prime Minister or his office briefed on the appointment?
 - a. If so, on what date(s)?
12. Was the appointment recommended by the bureaucracy?
13. If engagement of Mr Prince was dealt with as a procurement rather than appointment matter, was there a tender or similar open competitive process engaged in? Was it a full tender?
14. How many prospective Counsel were invited to participate in this process?
15. How was the process assessed?
16. What was the outcome of the process?

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

1. Reviewing evidence, assisting with submissions and conducting research.
2. Mr Prince was not needed at that particular time.
3. No. The Commonwealth Procurement Rules made under sub-section 105B of the *Public Governance, Performance and Accountability Act 2013* (Cth) allow for the direct engagement of counsel.
4. See (3) above.
5. See (3) above.
6. All Counsel are required to declare and manage any pecuniary interests in accordance with the TURC Conflict of Interest policy.
7. No.
8. The Office of the Royal Commission into Trade Union Governance and Corruption.
9. See (3) above. Where counsel is expected to become involved in the examination or cross-examination of witnesses, the Attorney-General appoints them as Counsel Assisting to provide protections under section 6FA of the *Royal Commissions Act 1902*.
10. Yes. In a submission dated 7 November 2014 the Department requested that the Attorney-General consider appointing Mr Prince as Counsel Assisting.
11. No.
12. See (8-9) above.
13. See (3) above.
14. See (3) above.
15. See (3) above.
16. See (3) above.