

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

Output 1.2

Question No. 105

Senator Brandis asked the following question at the hearing on 27 May 2008:

Staffing of the Clarke Inquiry:

- a) Please provide the names of all Counsel that were consulted for the Counsel assisting role.
- b) What is Mr Horan's daily rate of pay as counsel assisting in the Clarke Inquiry?
- c) What is the process by which the firms consulted were chosen and according to what criteria were they chosen?

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

- a) Four counsel were approached by the Department regarding availability and interest. It has not been the Department's practice to disclose the names of counsel approached but not engaged in relation to the provision of legal services to the Commonwealth. The Department's practice is based on privacy considerations.
- b) It has not been the Department's practice to disclose the rates paid to lawyers engaged by the Commonwealth. The Commonwealth regularly engages lawyers and others for inquiries and litigation. Disclosure of rates in particular cases may prejudice the Commonwealth's commercial position.

It has been the practice, for example in relation to the HIH and Building and Construction Industry Royal Commissions, to provide cumulative totals for counsel where these are sought. Mr Horan's accumulated fees as at 13 June 2008 were \$56,000.

- c) Blake Dawson, Sparke Helmore and Clayton Utz were asked to provide expressions of interest covering matters including availability, relevant experience, rates, conflicts of interest and security clearances. These firms were identified having regard to the need for an expedited process and their experience in providing legal services to the Commonwealth government, including assistance with previous inquiries. The Australian Government Solicitor had previously raised possible conflict of interest issues.