

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Budget Estimates 2014-2015

Agency - Fair Work Commission

Department of Employment Question No. EM0238_15

Senator Ludwig provided in writing.

Question

FWC - Legal costs

List all legal costs incurred by the department or agency since Additional Estimates in February, 2014

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. Legal costs that have been entered in the Commission's ledger between 1 July 2013 and 25 June 2014 total \$546,768.12 (including GST). Legal costs were incurred with:

Corrs Chambers Westgarth	\$332,822.65
Landers and Rogers	\$5,000.00
Australian Government Solicitor	\$159,257.14
Office of Parliamentary Counsel	\$7,996.00
Counsel:	
Ron Merkel QC	\$6,377.27
Richard Niall SC	\$6,665.45
Peter Hanks QC	\$22,755.45
Frances Gordon	\$1,666.66
Craig Lenehan	\$4,227.50

It is not possible to provide a breakdown of hours retained or taken to prepare advice as this would require an unreasonable diversion of Commission resources.

The figures listed above for Corrs Chambers Westgarth and Australian Government Solicitor include fees charged by counsel in conducting litigation against the National Office and Victoria No.1 Branch of the Health Services Union and their former officers (Mr Craig Thomson, Ms Pauline Fegan, Mr Jeff Jackson and Mr Shaun Hudson). It is not possible to provide a breakdown of these fees as to do so would require an unreasonable diversion of Commission resources.

The figures provided above do not include the cost of any internal advice which has been provided by the Commission's in-house legal counsel.

2. The total figure for billings by counsel for the individual counsel who are listed above is \$41,692.33. All counsel were briefed directly by the Commission. The gender ratio of counsel was 4:1 (male:female). The Commission does not record hours spent by Commission staff in briefing counsel.
3. Advice is procured by the Commission in accordance with the requirements of the *Legal Services Directions 2005* (using the panel system established by the Legal Services Multi-Use List).