

**Senate Standing Committee on Education and Employment**

**QUESTIONS ON NOTICE  
Supplementary Budget Estimates 2014-2015**

**Agency – Fair Work Commission**

**Department of Employment Question No. EM1068\_15**

**Senator Ludwig provided in writing.**

**Question**

**FWC - Legal Costs**

Since Budget Estimates in June, 2014:

1. List all legal costs incurred by the department or agency
2. 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
3. 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)
4. 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 2014 and 31 October 2015 total \$75,524.06 (including GST).
2. Legal costs were incurred with:

Australian Government Solicitor	\$35,154.18
Corrs Chambers Westgarth	\$33,706.24
Counsel - Peter Hanks QC	\$6,663.64

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

The figures provided above for Australian Government Solicitor and Corrs Chambers Westgarth include fees charged by external counsel in conducting litigation against the Victoria No.1 Branch of the Health Services Union and its former officials (Mr Jeff Jackson, Mr Shaun Hudson and Ms Pauline Fegan) and against Mr Craig Thomson (former National Secretary of the Health Services Union). 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.

3. As set out above, \$6,663.63 has been entered in the ledger for billings by Peter Hanks QC. He was briefed directly by the Commission. No female

counsel have been briefed by the Commission. The Commission does not records hours spent by Commission staff in briefing counsel.

4. Advice is procured by the Commission in accordance with the requirements of the *Legal Services Directions 2005* (including use of legal service providers included in the Legal Services Multi-Use List).