

**Senate Standing Committee on Education Employment and Workplace
Relations**

**QUESTIONS ON NOTICE
Additional Estimates 2011-2012**

Outcome 5 - Workplace Relations & Economic Strategy

DEEWR Question No. EW1146_12

Senator Boyce asked on 15 February 2012 , Hansard page 117

Question

Regulation 3 of 2012

Senator BOYCE: Can I ask one last question, given that I think we are not going to make any breakthroughs here? The form that organisations are asked to fill in asks them to tick one of two boxes that say: I consider the organisation is a constitutional corporation. You may wish to provide details. and: I consider the organisation may be a constitutional corporation. You may wish to provide details. If they tick the 'may be a constitutional corporation' box what happens next? Who decides? Mr Kovacic: We retained a barrister who can provide advice to providers to clarify the issues, because it is a complex issue and in some respects can be a difficult legal issue. It is really part of the package of providing assistance to providers to assist them to clarify whether they are indeed covered by the regulation.

Senator BOYCE: Who will pay his costs? Mr Kovacic: The Commonwealth.

Senator BOYCE: Have you developed a contract with him? How is he to be reimbursed? Mr Kovacic: It will be— Ms Anderson: I have not got those details on me. Mr Kovacic: We will take that on notice.

Senator BOYCE: Would it be sessionally or— Mr Kovacic: I presume it would be, but can we take that on notice. Senator BOYCE: Tell us if it is and what it would be intended that he be paid per session. Mr Kovacic: Certainly.

Answer

The Barrister is engaged under contract to the department, the terms of which provide for payment of fees for service on an hourly rate of \$500, up to a maximum of \$3000 per day. All amounts are inclusive of GST.