

**SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION  
LEGISLATION COMMITTEE**

**2005-2006 BUDGET SENATE ESTIMATES HEARING  
30, 31 MAY and 3 JUNE 2005**

**EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO**

**QUESTIONS ON NOTICE**

**Office of the Employment Advocate**

**Question Number: W253-06**

**Question:**

Senator Marshall provided in writing:

For each prosecution, please provide details outlining:

- (a) case and reason for prosecution
- (b) resources spent engaging legal representation
- (c) legal representation engaged
- (d) number of lawyers engaged
- (e) number of hours lawyers were engaged
- (f) outcome of case
- (g) if an amount was recovered from the defendant, how much was recovered
- (h) how many internal resources were spent on the case. Please provide details of calculations.

**Answer:**

In relation to the matter referred to in QoN 212:

- (a) The case involves allegations that an employer had stood down its work force and re-hired only certain employees. Certain employees were allegedly not re-hired because of their union membership and because they had been dissatisfied with their conditions of employment. It is further alleged that the employer refused to rehire certain other employees because of their prior participation in unfair dismissal proceedings against the employer and their entitlement to the benefit of the subsequent reinstatement orders.
- (b) The matter has been ongoing prior to 1 July 2004. In 2004/05 the OEA engaged the Australian Government Solicitor (AGS) who in turn briefed certain barristers. The cost of external legal services in 2004/05 was \$134,944.92
- (c) As per (b) above
- (d) As per (b) above

- (e) Based on bills received from AGS the total hours AGS solicitors and barristers engaged by AGS were engaged on the matter in 2004/05 was 517.
- (f) Not yet finalised
- (g) Not applicable
- (h) Two internal lawyers have spent a considerable amount of time on the matter in 2004/05. A precise record of that time is not maintained. It is estimated that the time spent would be the equivalent of the time of one in house lawyer at APS Manager 1 level spending one day per week on the matter.