

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Additional Estimates 2015 - 2016

Agency - Fair Work Building and Construction

Department of Employment Question No. EMSQ16-000536

Senator Ludwig provided in writing.

Question

FWBC - Legal Costs

Since the change of Prime Minister on 14 September, 2015:

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

Expense Type	Cost
Counsel	
Direct Briefs – Male	\$ 603,116.00
Indirect Briefs – Male	\$ 6,968.00
Direct Briefs – Female	\$ 85,083.00
Indirect Briefs – Female	\$ -
Other	
Court fees	\$ 103,604.00
Process Servers	\$ 10,759.00
Witness expenses	\$ 9,290.00
Miscellaneous/ Disbursements	\$ 132,424.00
External Legal Providers	\$ 1,755,192.00
Total	\$ 2,706,436.00

A further breakdown of legal costs is not available in a form that can be produced by our systems.

Legal advice from counsel is procured in accordance with the Legal Services Directions. In accordance with these Directions, Fair Work Building and Construction engages a wide range of counsel.

All rates paid by Fair Work Building and Construction are approved by the Office of Legal Services Co-Ordination (OLSC) prior to the agency engaging Counsel. In line with WoG requirements, Fair Work Building and Construction engages external firms via the Legal Services Multi-Use List, which is maintained by the OLSC. Fair Work Building and

Construction engage firms that are included on the List based on the expertise required of the firm.

The gender ratio of counsel Fair Work Building and Construction engaged from 14 September 2015 to 31 January 2016 was 13 per cent female and 87 per cent male.

The FWBC is a regulator enforcing Commonwealth laws. Commencing and undertaking civil penalty litigation is part of the agency's mission to ensure the rule of law applies in the industry.