

## Senate Standing Committee on Education and Employment

### QUESTIONS ON NOTICE Additional Estimates 2015 - 2016

**Agency – Fair Work Ombudsman**

**Department of Employment Question No. EMSQ16-000560**

**Senator Ludwig provided in writing.**

#### **Question**

#### **FWO - 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**

<b>Expense Type</b>	<b>Cost</b>
<b>Counsel</b>	
Direct Briefs – Male	\$206,048
Indirect Briefs – Male	\$166,297
Direct Briefs – Female	\$236,237
Indirect Briefs – Female	\$53,691
<b>Other</b>	
Court fees	\$78,960
Process Servers	\$4,370
Witness expenses	\$2,802
Miscellaneous	\$3,443
<b>External Legal Providers</b>	
AGS	\$71,353
Ashurst	\$161,001
Clayton Utz	\$143,229
Corrs Chambers Westgarth	\$458
King Wood & Mallesons	\$16,100
Neill Buck & Associates	\$5,000
<b>Total</b>	<b>\$1,148,989</b>

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, the Fair Work Ombudsman engages a wide range of counsel and ensures an appropriate gender balance when securing suitable expert counsel.

The gender ratio of counsel engaged by the Fair Work Ombudsman from 14 September 2015 to 31 January 2016 was 44 per cent female and 56 per cent male.

All rates paid by the Fair Work Ombudsman are initially approved by the Office of Legal Services Co-Ordination (**OLSC**) prior to the agency engaging Counsel, and these are at or below the threshold fixed for counsel fees by the OLSC. Any applications to increase the OLSC approved rate received from counsel are assessed on a case by case basis by the Agency according to internal procedures which consider value for money, the rate of increase sought and the time since the rate was last increased.

In line with whole of government requirements, the Fair Work Ombudsman engages external firms via the Legal Services Multi-Use List, which is maintained by the OLSC. The Fair Work Ombudsman engage firms that are included on the List based on the expertise required of the firm.