

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Additional Estimates 2015 - 2016

Agency - Fair Work Commission

Department of Employment Question No. EMSQ16-000737

Senator Ludwig provided in writing.

Question

FWC - 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

1. Legal costs incurred between 14 September 2015 and 31 January 2016 that have been entered in the Commission's ledger total \$239,616.13 (excluding GST).

2. These legal costs were incurred with:

Australian Government Solicitor	\$34,923.40
Corrs Chambers Westgarth (including Counsel fees)	\$101,924.65
Clayton Utz	\$38,526.83
Ashurst	\$11,368.00
Gadens	\$11,774.16
2 Senior Counsel	\$29,283.63
3 Junior Counsel	\$11,815.46

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 Commission does not record hours spent by Commission staff in briefing Counsel.

3. 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).

The figures provided above do not include the cost of any internal legal advice.

4. **Counsel**

Briefing Source	Costs (ex GST)	Number of Male Counsel	Number of Female Counsel
Directly	\$41,099.09	4	1
Indirectly	\$57,108.18	2	0