



**STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY**

JEREMY HANSON CSC MLA (CHAIR), MARISA PATERSON MLA (DEPUTY CHAIR), JO CLAY MLA

**Inquiry into referred 2019–20 Annual and Financial Reports and Budget Estimates 2020-21**  
**ANSWER TO QUESTION ON NOTICE**

Asked by Peter Cain MLA:

Ref: JACSD Annual Report 2019-20, Legal Services to Government, output class

In relation to: ACT Government Solicitor

1. Page 47 of the JACSD Annual Report 2019-20 refers to activity in the area of employment and industrial relations.
  - a. How many industrial relations matters did the ACT Government Solicitor respond to during the year?
  - b. Of that number, how many were brought before
    - i. the ACT Human Rights Commission
    - ii. The Fair Work Commission
    - iii. The Federal Circuit Court
    - iv. The Federal Court
2. Page 46 of the JACSD Annual Report 2019-20 states that “Territory legal work may be delivered through several approaches, including by government solicitors, engagement of either local or interstate counsel, or use of legal service providers.”
  - a. Can you provide the cost expended on each of the latter categories in 2019-20?
  - b. Can you provide number of matters undertaken in 2019-20 by each of these different categories, and any others that are unlisted?
3. Table four on page 51 of the JACSD Annual Report 2019-20 shows approximately 83 per cent of opinions were provided within 28 days of request. However, there were 209 opinions provided at 57 days or over.
  - a. Of those 209 requests, how many are still outstanding?
  - b. How many requests for advice, if any, were carried forward from 2019-20 to 2020-21?

**Shane Rattenbury MLA: The answers to the Member’s questions are as follows:—**

1(a) For the purpose of responding to the Member’s question an industrial relations matter is defined as a discrete field, distinct from individual employment, work health and safety, discrimination or workers compensation. An industrial relations matter is where a collective or cohort of employees advance a claim or take action to agitate an issue and usually involves a registered employee organisation (union) representing their employee members, although the



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employee cohort may have another representative, such as a bargaining representative appointed under s 176(1)(c) of the *Fair Work Act 2009* (Cth). During the 2019-20 financial year the ACT Government Solicitor represented the Territory in eight industrial relations matters.

1(b) All matters were in the Fair Work Commission.

2(a) I draw the member's attention to page 68 of the proof transcript of evidence dated 19 February 2021 which provides the Solicitor-General's response, in broad terms, to the member's questions. In addition, page 440 of the 2019-20 Justice and Community Safety Annual Report provides the total cost reported for local and interstate Counsel for the period was \$2,925,692

Expenditure in 2019-20 on external legal service providers reported to the ACT Government Solicitor by client agencies was \$10,293,715.

2(b) Counsel expenditure in 2019-20 related to the conduct of 217 matters. Instructions to external legal service providers (other than Counsel) are generally coordinated by the agency approved to use a provider other than the ACT Government Solicitor. The \$10,293,715 expended relates to approximately 30 approvals by the Solicitor-General for engagement of external legal service providers. These engagements may relate to single matters or projects or transactional legal services such as residential and land conveyances. It is not possible to report activity by number of matters.

3(a) Table 4 reports opinions provided and the time categories within which these were provided to the client. As the information in Table 4 relates to opinions provided, the 209 advices in the 56 day or more category were completed during the financial year and as such are not outstanding.

3(b) Noting the response to 3(a) there were no advices in Table 4 carried forward. The ACT Government Solicitor reports the number of advices provided by timeframe as an indicator of activity and timeliness. The number of advices in preparation at any point in time is not easily captured. This relates to the preparation of legal advice being generated because of a range of drivers. The drivers may include requests for advice received directly from clients on discrete issues, opinions and advices which are required in preparation for or as part of litigation or dispute resolution processes, or during commercial negotiations. One matter may involve provision of many advices, accordingly the reporting of completed advices has been adopted as the most accurate indicator of activity for a period.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:

Date: 15/3/21

By the Attorney-General, Shane Rattenbury MLA