



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

**QON PTCS No. 1**

STANDING COMMITTEE ON PLANNING, TRANSPORT, AND CITY SERVICES  
JO CLAY MLA (CHAIR), SUZANNE ORR MLA (DEPUTY CHAIR), MARK PARTON MLA

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

Asked by Jo Clay:

In relation to: ACAT matters

In the Annual Report, 95% of ACT Civil and Administrative Tribunal (ACAT) decisions upheld the Directorate's original decision.

- What is your budget for legal costs in planning matters in the ACT Civil and Administrative Tribunal?
- What were the actual legal costs for planning matters in the ACT Civil and Administrative Tribunal in the last two financial years, aggregated by financial year?
- What are the Planning and Land Authority's guidelines for determining the extent (or level) of its representation at the ACT Civil and Administrative Tribunal?
- What level of counsel do you typically brief in planning matters, given that ACAT is meant to be an informal and often self-represented environment?
- Do you take into consideration whether an applicant is self-represented when determining your level of representation?

**MINISTER STEEL:** The answer to the Member's question is as follows:—

Legal services in relation to planning matters are provided to the Directorate by the ACT Government Solicitor (ACTGS) from resourcing in Output 1.2 – Legal Services to Government.

There were no costs for legal services paid to the ACTGS by the Directorate for such matters as the provision of legal advice and representation is met from within existing ACTGS resourcing. Where required in a matter, Counsel is engaged by the ACTGS and the costs are generally met from Territorial Legal Expense.

The Directorate and the ACTGS are guided by the Law Officer's (General) Legal Services Directions 2012 (the Directions) and the Law Officers (Model Litigant) Guidelines 2010 (Guidelines) in the approach. The assessment of the approach to litigation is dependent on assessment of the most efficient approach to facilitate the just resolution of the dispute.

Litigation involving self-represented litigants is managed consistently with the Directions and Guidelines and in a manner which recognises the necessity to provide assistance to the Tribunal to achieve the just resolution of the real issue. The approach aims to recognise and avoid a circumstance of unfair advantage where a claimant may lack the resources to litigate a legitimate claim.



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Approved for circulation to the Standing Committee on Planning, Transport, and City Services

Signature:

A handwritten signature in blue ink, appearing to be "Chris Steel".

Date:

12 / 3 / 21

By the Acting Minister for Planning and Land Management, Chris Steel