



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

**QTON No. 22**

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 TAKEN ON NOTICE**  
**4 March 2021**

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Asked by MR COE / MS CLAY:

In relation to: SLA litigation

**MR COE:** And have any of those resolutions involved the SLA either refunding or making payments?

**Mr Dietz:** Yes.

**MR COE:** To what sort of tune?

**Mr Dietz:** I think—I would not mind perhaps taking some of this in camera, I note that there are certain dispute resolutions that are often—clauses to ensure that information is not made public.

**MR COE:** I am not sure that in camera is going to happen. But—

**Mr Steel:** Yes. So it is possibly best just to take on notice then, yes, and we can release what is—

**THE CHAIR:** Can we just—we have just had a request from—

**MR COE:** Yes look, I am sure the response is going to be, we have taken legal advice and no information can be provided. However, at some point, some committee, be it this one or another committee, I reckon—

**THE CHAIR:** Mr Coe, did you—apparently, we can have a discussion in camera, if—apparently it is at this committee's discretion. Would you like that?

**MR COE:** Your call.

**THE CHAIR:** Ms Orr, Mr Parton, did you want an in camera—

**MS ORR:** In five minutes or less.



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**THE CHAIR:** Yes, it is going to be in five minutes or less.

**Mr Dietz:** So main only wish is to ensure that I am acting, and what I am saying as per the terms of any resolution agreement, I am not sure that I would know that within the next five minutes as to exactly what I am saying—

**Mr Steel:** Five minutes, yes.

**MR PARTON:** No.

**MS ORR:** Maybe just on notice.

**MR COE:** Sure. But look I think for this committee, or PAC or one of the other committees to consider. And just—it really is just as a transparency or integrity measure. Okay but if you are able to give the committee any understanding of the type and quantum of the litigations, that would be handy, especially as it reports to the accounts, that should be relatively easy to access.

**THE CHAIR:** And can I just throw in a supplement—Mr Coe, are you interested in the quantum of damages we are exposed to or are you interested in legal costs, or both? Because are probably—we would probably want separate line items on those.

**MR COE:** I guess so, yes, it is the cost. So it is, I guess, exposure.

**THE CHAIR:** Yes. So perhaps legal cost but also damage exposure?

**Mr Dietz:** Yes.

**MR COE:** Sure.

**Mr Dietz:** I will take that on notice.

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

The Suburban Land Agency is required to comply with the *Law Officers (General) Legal Services Direction 2012* (Legal Service Direction) in relation to claims and litigation by or against it. The Legal Service Direction includes requirements that (i) the Agency comply with any instruction from the Attorney-General about the handling of claims and (ii) a claim may only be settled where the advice has been received from the Government Solicitor that settlement is in accordance with legal principle and practice. The Agency also works closely with the ACT Insurance Authority (ACTIA) in relation to claims and litigation.



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The 2019-20 Annual Report disclosed a contingent liability of \$5.865 million and no claims were settled in the 2019-20 financial year.

Since end of the 2019-20 financial year two claims against the Suburban Land Agency have been finalised. The first was settled after taking advice from the ACT Government Solicitor's Office and the second was dismissed in accordance with orders from the Supreme Court of the ACT. The settlement amount for the first matter was \$4,600,574.65 and legal fees were \$84,601.54. The Suburban Land Agency was indemnified by ACTIA in respect of the second matter and accordingly the legal costs were paid by ACTIA.

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

Signature: 

Date: 12.3.21

By the Chief Minister, Andrew Barr MLA