



STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
Mr Peter Cain, Dr Marisa Paterson MLA, Mr Andrew Braddock MLA

Inquiry into Annual Reports 2020-21
ANSWER TO QUESTION TAKEN ON NOTICE
21 and 22 February 2022

Asked by DR MARISA PATERSON MLA on 21 February 2022: Mr Peter Garrison AM SC, Solicitor-General for the Australian Capital Territory, took on notice the following question(s):

[Ref: Hansard Transcript [DATE 21 February 2022 PAGE 23-24 and 22 February 2022 PAGE 19]]

In relation to:

21 February 2022

DR PATERSON: I have a follow-up for Mr Garrison. I am trying to find the table; it was along the lines of six per cent of the cases in which you represent the government being child welfare matters. Mr Garrison: Yes. That table is on page 40, at chart 4. We thought that it would be helpful for the report to set out, in effect, what percentage of our resources is spent on what classes of work. With the child protection services, could I ask, Dr Paterson, where you got that figure from?

DR PATERSON: You had a table. I do not have the page number; I am sorry. It broke down the different matters that you—

Mr Rattenbury: The point of confusion, Dr Paterson, is that the chart that Mr Garrison is pointing to on page 40 does not have a specific one around children.

DR PATERSON: No, but there was one; I saw it.

Mr Rattenbury: We believe you.

Mr Garrison: I certainly would not doubt you, Dr Paterson.

DR PATERSON: I am interested to know whether there has been an increase in child welfare matters over the last few years. Is that increasingly becoming part of your core business?

Mr Garrison: It has been consistently part of our core business. It is one of the areas where we continue to be under pressure in relation to the number of matters that are being addressed. The other aspect to it is that a number of the matters are becoming more complex. For example, there can be a number of different interests involved in a particular dispute. Some of them are very large matters. There has been, for example, a very significant coronial inquiry which absorbed significant resources from within my office to address it. It remains a very significant part. I do not know that I could give you a percentage figure, but if you look at the table that I mistakenly drew your attention to before, the children's work falls within the citizen rights and welfare protection practice area. That practice area comprises 13 per cent of our work. That includes children's protection work, discrimination claims and human rights claims—quite a significant amount. I would imagine that, of

that 13 per cent, the children's work would not be 50 per cent of that work but it would certainly be a significant proportion.

DR PATERSON: Yes. Just following on from yesterday, again, I found the child welfare litigation at 6.42 per cent and it is on page 272, so I did not dream it.

Mr Garrison: You did not, indeed, Dr Paterson. Indeed, I located the same thing myself. That in fact represents the cost of counsel that has been engaged in relation to that work. I separately am doing the split, so to speak, in relation to the percentage of our resources that go into the child welfare work, so it will be - I cannot quite tell you the figure, but as I recall that I discussed yesterday the figure that I—the table I was looking at, of course, was the table about the percentage of our practice that is attributable to it, which falls within the citizens rights and welfare protection, which amounted to 13 per cent of our work. So it will be some proportion of that.

Attorney-General: The answer to the Member's question is as follows:—

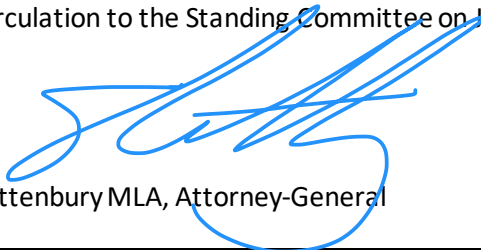
At the Committee hearing on 22 February 2022 the Solicitor-General advised that he would separately prepare a split on the percentage of ACT Government Solicitor resources that went into child welfare matters out of the Citizen Rights and Welfare Protection practice area in 2020-21.

Chart 4 in the Justice and Community Safety Annual Report indicates that 13% of the clinical focus for the ACT Government Solicitor in 2020-21 was targeted towards the Citizen Rights and Welfare Protection practice area. Of this practice area, approximately 54% of all the activity was directed towards child welfare litigation. The conduct of this litigation was undertaken by the equivalent of 5 FTE.

The percentage of Counsel spend on child welfare litigation over the last four years has increased from 2.97% in 2017-18 to 6.42% in 2020-21.

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

Signature:



Date: 13/3/22

By Mr Shane Rattenbury MLA, Attorney-General