



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON ESTIMATES 2022-2023

Mr James Milligan MLA (Chair), Mr Andrew Braddock MLA (Deputy Chair),
Dr Marisa Paterson MLA

ANSWER TO QUESTION TAKEN ON NOTICE DURING PUBLIC HEARINGS

Asked by Peter Cain MLA on Wednesday, 24 August 2022: Peter Garrisson AM SC took on notice the following question(s):

[Ref: Hansard Transcript Wednesday, 24 August 2022 [PAGE 6]]

In relation to:

MR CAIN: Thank you. So I have got an interest in decisions that you act on behalf by EPSDD in the ACAT for, again, DA approvals and DA disputes. So how much has the ACT government solicitor spent defending EPSDD decisions in the last five years, and maybe not take that on notice but—

Mr Garrisson: First, the resources of the government's solicitor in relation to that were part of our core business and it is appropriated, therefore there is no—we do not send a bill in relation to that work. I think, Mr Cain, you might recall from an answer to a question on notice on the last occasion, which was in relation to valuation cases, as I recall: how that operates. We certainly engage counsel in relation to those disputes. Is your question about planning disputes or in relation to all matters in the ACAT for EPSDD, the planning authority?

MR CAIN: Yes, I am interested in EPSDD decisions: what are the main decisions under dispute and perhaps—

Mr Garrisson: Almost always they are planning decisions and, you know—

MR CAIN: Specific when you say planning, do you mean a dispute challenging a DA, approval of a DA?

Mr Garrisson: Yes—a neighbour does not like the fact that a planning approval has been given for a two-storey house when they think there should not be a two-storey house, or when they have given approval for four units when they think there should be three units, or that they think that the setback is not enough, or that they are overlooked. The range of matters is quite significant. As I said, the only principal expense that is incurred by the territory is in relation to counsel fees. I am happy to take that on notice. Do you really want it for the last five years?

MR CAIN: Yes.

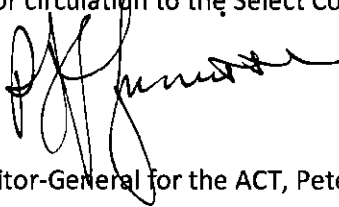
Solicitor-General for the ACT, Peter Garrisson AM SC: The answer to the Member's question is as follows: –

In relation to planning matters involving EPSDD and where a decision has been made by the ACT Civil and Administrative Tribunal between 2017-18 and year to date. Counsel expenses were estimated at \$719,650 and experts at \$187,902.

In addition, as advised by the Solicitor-General at the hearing the legal services provided by the ACT Government Solicitor on planning matters before ACAT are provided out of existing ACT Government Solicitor resourcing from direct appropriation to Output 1.2.

Approved for circulation to the Select Committee on Estimates 2022-2023

Signature:



Date: 31/8/22

By the Solicitor-General for the ACT, Peter Garrisson AM SC