



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 February 2022

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

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

In relation to:

THE CHAIR: I have a fairly succinct question regarding the cost of litigating lease variation charge disputes. The question is in two parts. Obviously, it may be taken on notice. Firstly, what was the dollar value of ACT Government Solicitor resources committed to the provision of litigation support of LVC disputes? Secondly, what was the dollar value of non-ACT Government Solicitor resources, such as barristers and expert witnesses?

Mr Rattenbury: I will defer to the Solicitor-General.

Mr Garrisson: Mr Cain, the legal services provided by the ACT Government Solicitor are provided out of existing government resources. Therefore there is no particular charge attached to it. Accordingly, the only relevant issue is the question of the engagement of counsel. It will be difficult for us to identify specific matters relating to lease variation charges because, of course, there is not a particular topic in our practice management system that records the nature of that. We would need to, in effect, do a search. Over what period of time are you wishing to have this information?

THE CHAIR: Even the last financial year, or the one before, recognising that I do not think they are an everyday occurrence.

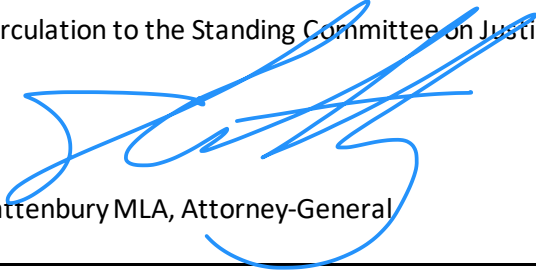
Mr Garrisson: No, they are not, mercifully. The evidence is normally valuation evidence and, of course, the use of counsel. I will have to take that on notice, and will endeavour to get back to you within the normal time frames.

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

- 1) As advised by the Solicitor-General the legal services provided by the ACT Government Solicitor on lease variation charge disputes litigation are provided out of existing ACT Government Solicitor resourcing from direct appropriation to Output 1.2. The litigation activity is equivalent to 0.8 of an FTE over the two year period.
- 2) The cost of barristers and expert witnesses associated with lease variation disputes in 2019-20 and 2020-21 was \$239,549.17.

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

Signature:

A handwritten signature in blue ink, appearing to be 'S. Rattenbury', written over the signature line.

Date:

13/3/22

By Mr Shane Rattenbury MLA, Attorney-General