



Inquiry into Annual and Financial Reports 2023–2024

Answer to question on notice

Asked by: Mr Peter Cain MLA

Addressed to: Peter Garrisson AM SC, ACT Solicitor-General

Reference: ACT Government Solicitor

Hearing: 18/02/2025

In relation to: ACT Government Solicitor and External legal advice

Question received: 18/02/2025

Answer Due: 26/02/2025

1. How much did the ACT Government Solicitor spend on external legal advice in 2023-24?
2. How much did the ACT Government Solicitor spend briefing Counsel in 2023-24?
3. How much has the ACT Government Solicitor spent on briefing Counsel over the last five years?
4. How much has the ACT Government Solicitor spent on briefing Counsel over the last ten years?
5. How many times did the ACTGS instruct a barrister in 2023-24 and who did you instruct?
6. How often were these barristers locally based in Canberra, and if not based in Canberra, where were they based?
7. Which legal firms did the ACTGS receive external advice from the most in 2023-24?
8. How many of these firms are ACT based?

MR PETER GARRISSON AM SC: The answers to the Member's questions are as follows:

The ACT Government Solicitor (ACTGS) engages counsel as required on a matter by matter basis to provide advice and represent the Territory before courts and tribunals. In a small number of instances other legal service providers may be engaged to provide ACTGS with legal advice and representation. Legal advice was provided to the ACTGS by two law firms in 2023-24 and the associated expenditure was in the order of \$326,460.50.

In addition, where appropriate or in instances where ACTGS cannot act, the ACTGS also facilitates external advice and representation for ACT Government agencies. The types of matters include large commercial projects, ICT, probity and separate representation for current and/or former public

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sector officials in relation to inquiries and associated public hearings, inquests and claims. In these circumstances advice and representation is provided to the relevant Government agency and not the ACTGS.

I refer the Member to page 51 of the 2023-24 Justice and Community Safety Directorate Annual Report (the Annual Report) which observes that "In 2023-24 the expenditure reported to ACTGS by agencies on the use of external providers was approximately \$13.2m...". This includes the provision of advice to the Territory but not the ACTGS. The law firms engaged almost all were either Canberra based law firms or have a Canberra office. The Annual Report also advised that the expenditure on legal assistance to public officials in the same period was in the order of \$3.7m, however, this does not involve providing advice to the Territory or the ACTGS.

The ACTGS' use of Counsel is reported in the Annual Report page 420 provides the amount expended on Counsel in the reporting period. The table below details the amount expended on Counsel over the last nine years. Data for 2014-15 is not available.

	Counsel Expenditure
2023-24	\$4,397,441
2022-23	\$4,171,399
2021-22	\$2,885,136
2020-21	\$3,065,394
2019-20	\$2,925,693
2018-19	\$3,272,553
2017-18	\$2,800,559
2016-17	\$3,241,156
2015-16	\$2,736,790

The term 'Counsel' and 'Barrister' are synonymous. In 2023-24 based on counsel expenditure the ACTGS engaged counsel in 328 matters, 39% of engaged Counsel were based in Canberra, 53% were based in NSW, and the balance of 8% based in Victoria. Page 422 of the Annual Report details the individual Counsel used based on the expenditure in 2023-24.

Approved for circulation to the Standing Committee on Legal Affairs

Signature:

By the Solicitor-General, Peter Garrisson AM SC

Date: 14/3/25