



STANDING COMMITTEE ON PUBLIC ACCOUNTS

Mr Ed Cocks MLA (Chair), Mr Michael Pettersson MLA (Deputy Chair),  
Mr Andrew Braddock MLA

**Inquiry into Appropriation Bill 2023-2024 (No 2) and  
Appropriation (Office of the Legislative Assembly) Bill 2023-2024 (No 2)  
ANSWER TO QUESTION ON NOTICE**

Asked by Elizabeth Lee MLA:

Ref: Budget Review 2023-24, Page 115

In relation to: Compensation Costs

For the last 5 financial years 2022-2023, 2021-2022, 2020-2021, 2019-2020 and 2018-2019 can you breakdown the following

- (1) Breakdown of legal costs into damages and settlements across the ACT Government;
- (2) Breakdown of categories for these costs in the JACS portfolio (corrections, etc);
- (3) Breakdown how many cases each financial year of inmates seeking compensation;
  - (a) How much each of these cases cost;
  - (b) Total cost of the financial year for these cases;
  - (c) Reasons for compensation being sought;
  - (d) How many cases were not awarded;
  - (e) On average how long each case took to settle;
  - (f) Legal fees involved in each case and;
  - (g) Legal fees involved for each financial year.

Shane Rattenbury MLA: The answer to the Member's question is as follows:–

- (1) Amounts payable by the ACT Government to finalise claims (whether pursuant to a settlement or a court order) may be met as a Territory legal expense, by the Territory's insurance arrangements or by a Directorate, depending on the size and nature of the claim.
  - (a) Total amounts paid to finalise claims through the **Territorial legal expenses** in each financial year requested is as follows:

2022-23	2021-22	2020-21	2019-20	2018-19
\$741,967	\$313,482	\$352,244	\$585,449	\$886,804

The legal services provided by the ACT Government Solicitor (**ACTGS**) to finalise such claims are provided through controlled recurrent payment (appropriation) for Output 1.2 Legal Services to Government.

- (b) Total payments made by the ACT Insurance Authority in relation to claims covered by the Territory's insurance arrangements as at 7 March 2024 are as follows:

	Policy year 2022-23	Policy year 2021-22	Policy year 2020-21	Policy year 2019-20
<b>Settlement</b>	\$8,264,755.80	\$15,015,912.60	\$19,573,515.86	\$38,646,319.55
<b>Legal cost*</b>	\$2,891,524.66	\$5,407,168.16	\$7,265,946.15	\$10,740,592.80

\*This includes both the Government's costs of defence, and any agreed or ordered plaintiff costs

These amounts are subject to change as claims that remain open move through the settlement process or proceed to hearing. The above figures do not include amounts paid by Directorates to resolve minor claims that are below the claims excess or claims that are outside the scope of any insurance arrangements.

- (c) In the time available it is not possible to provide the information relating to claims finalised by Directorates.
- (2) The ACTGS received the question on 4 March 2023 and is unable to disaggregate the above data in the required timeframe for response to the Member's question.
- (3) The ACTGS received the question on 4 March 2023 and is unable to interrogate each individual matter in the required timeframe for response to the Member's questions.

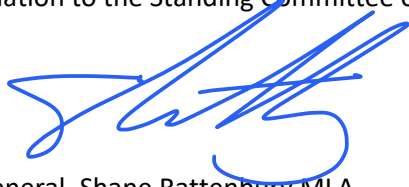
However, the ACTGS has provided the number of new claims, by year received, that relate to individuals who are or have been in the care and custody of ACT Corrective Services below, noting that one individual may make more than one claim.

2022-23	2021-22	2020-21	2019-20	2018-19
33	21	21	16	10

The claims are mainly in the areas of personal injury (public liability and medical negligence), discrimination/human rights and historical abuse claims.

Approved for circulation to the Standing Committee on Public Accounts

Signature:



Date: 9/3/24

By the Attorney-General, Shane Rattenbury MLA