



WR&C ACT 1986
INJURY MANAGEMENT PRACTICE NOTE
FOR THE PUBLIC SECTOR

PROVISION OF LEGAL SERVICES

1. PURPOSE

- 1.1 To ensure that public sector agencies are aware of the requirement to utilise the services of the Crown Solicitor for the provision of legal services and representation on workers compensation claim related matters.
- 1.2 This practice note reinforces the requirements of Treasurer's Instruction 10, issued under the Public Finance and Audit Act 1987 (SA).

2. BACKGROUND

- 2.1 The Crown Solicitor is the sole provider of legal services to the public sector and agencies are required to utilise the Crown Solicitor for the provision of legal services as outlined in Treasurer's Instruction 10 (provided as Attachment A). This requirement includes the provision of legal advice on any workers compensation claim related matter.
- 2.2 Public sector agencies must not use the services of a legal practitioner other than the Crown Solicitor without first seeking the written advice of the Crown Solicitor on whether the use of such a practitioner is appropriate.

3. PRACTICE

- 3.1 All requests for legal representation/advice made to the Crown Solicitor's Office shall be made in writing and on the basis set down by the Crown Solicitor.

Should you have any questions in relation to this advice please direct your enquiry to Public Sector Workforce Relations (Workers Compensation Performance), Department of the Premier and Cabinet (phone 822 62683)

TREASURER'S INSTRUCTION 10

ENGAGEMENT OF LEGAL PRACTITIONERS

Objective

- 10.1 To require public authorities to seek the advice of the Crown Solicitor before engaging a legal practitioner other than the Crown Solicitor.
- 10.2 To require public authorities to obtain a certificate from the Crown Solicitor in respect of the purchase of land.

Instruction

- 10.3 The Chief Executive of a public authority shall not use the services of a legal practitioner other than the Crown Solicitor without first seeking the advice of the Crown Solicitor on whether the use of such a practitioner is appropriate.
- 10.4 Subject to any direction which the Attorney-General may give, no costs or expenses relating to the engagement of a legal practitioner by a public authority either within or outside the State, are to be incurred unless the Crown Solicitor has certified that the engagement of such practitioner is necessary or that the agency's procedures and conditions for engagement of legal practitioners are appropriate.
- 10.5 Subject to any direction which the Attorney-General may give, no costs or expenses in respect of any service provided by a legal practitioner to a public authority are to be paid or reimbursed unless the Crown Solicitor or some other person authorised by the Crown Solicitor has certified that such costs or expenses are reasonable, or unless a court of competent jurisdiction has ordered payment or reimbursement of a specified sum.
- 10.6 The Attorney-General may exempt a public authority, or part of a public authority, from the requirements of clauses 10.3, 10.4 and 10.5.
- 10.7 In the event of costs or expenses claimed by a legal practitioner for any service provided by a legal practitioner to the State not being certified by the Crown Solicitor or some other person authorised by the Crown Solicitor, such costs or expenses shall be taxed pursuant to the *Legal Practitioner's Act*, or by a court or other tribunal having authority to tax costs.
- 10.8 All accounts for the purchase of land by a public authority are to be certified by the Crown Solicitor.