

TREASURER'S INSTRUCTION
GOVERNMENT BUSINESS ENTERPRISES ACT 1995
GBE 13-114-08

**OBTAINING LEGAL ADVICE AS TO THE SCOPE AND FUNCTIONS,
POWERS AND RESPONSIBILITIES**

COMMENCED

20 February 2002.

AMENDED

29 April 2026.

SCOPE

This Treasurer's Instruction applies to all Government Business Enterprises (GBEs), with the exception of those GBEs specified under Schedule 8 of the *Government Business Enterprises Act 1995*, unless modified by a Treasurer's Instruction issued under section 114(2)(b)(ii) to a specified GBE.

APPLICATION

At all times.

OBJECTIVE

The purpose of this instruction is to require GBEs, which are manifestations of the Crown in the right of the State, not to expend funds on obtaining legal advice in relation to the scope of their functions, powers and responsibilities elsewhere than from the Solicitor-General.

Underlying this instruction is the fundamental principle of the Westminster system of government that the Crown, in whatever its manifestation, must obtain legal advice as to its functions, powers and responsibilities from the Law Officers of the Crown, and must accept that advice as reflecting law until it is shown by a court of competent jurisdiction not to do so.

INSTRUCTION

A GBE to which this Treasurer's Instruction applies must not incur expenditure by seeking advice on the interpretation and application of statutory provisions relating to its functions, powers and responsibilities from the private sector. All GBEs to which the Instruction applies must only seek such advice from the Solicitor-General.