



**Australian Government**  
**Attorney-General's Department**  
**Deputy Secretary**  
**Legal Services and**  
**Families Group**

18/362

25 October 2018

Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Dear Committee Secretary

**Senate Legal and Constitutional Affairs Legislation Committee - Judiciary Amendment  
(Commonwealth Model Litigant Obligations) Bill 2017 – Correction to Evidence**

I refer to the inquiry by the Senate Legal and Constitutional Affairs Legislation Committee inquiry (Senate Inquiry) into the Judiciary Amendment (Commonwealth Model Litigant Obligations) Bill 2017 (the Bill). The Attorney-General's Department (the department) provided evidence on compliance statistics to the Senate Inquiry through its submission on 16 March 2018 (submission number 10), through Mr Cameron Gifford and Ms Susan Whitaker at the hearing on 14 June 2018, pages 34, 39 and 40 of the Hansard, and through its responses to Questions on Notice from the hearing provided 5 July 2018.

Since providing this evidence, the department has made changes to its internal processes and record-keeping associated with compliance with the *Legal Services Directions 2017*. This has included an audit of recent data which has identified that, although all notifications in relation to the model litigation obligation have been considered by the department, some notifications were not captured in the statistical information previously provided.

The updated data on compliance notifications, with previous evidence in italics for comparison, is as follows:

| <b>Period</b>                | <b>Total Notifications received</b> | <b>MLO related notifications</b> | <b>MLO Non-compliance</b> |
|------------------------------|-------------------------------------|----------------------------------|---------------------------|
| <i>2016-17</i>               | <i>63</i>                           | <i>48</i>                        | <i>3</i>                  |
| <b>2016-17<br/>corrected</b> | <b>77</b>                           | <b>54</b>                        | <b>4</b>                  |
| <i>2015-16</i>               | <i>75</i>                           | <i>49</i>                        | <i>11</i>                 |
| <b>2015-16<br/>corrected</b> | <b>98</b>                           | <b>65</b>                        | <b>11</b>                 |

The department is satisfied that the updated statistics do not otherwise affect the evidence of departmental officers. The department is not aware of any evidence of systemic issues either across the Commonwealth or with any individual agencies. In particular, I note that the additional notifications only reflect one instance of non-compliance with the model litigant obligation. Our website will be updated shortly to reflect updated figures. On behalf of the department, I apologise for the inconvenience of the inadvertent provision of inconsistent statistical information.

Yours sincerely

Iain Anderson  
25 October 2018