

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
ATTORNEY-GENERAL'S PORTFOLIO**

**Program: 1.4 Justice Services**

**Question No. AE17/123**

**Senator Xenophon asked the following question at the hearing on 28 February 2017:**

1. How many notifications of possible breaches on the Model Litigant Rules were received by the OLSC in:
  - a) FY 2013/14
  - b) FY 2014/15
  - c) FY 2015/16
2. How many findings of breaches on the Model Litigant Rules were made by the OLSC in:
  - a) FY 2013/14
  - b) FY 2014/15
  - c) FY 2015/16
3. What documents does the OLCS have in respect of:
  - a) Defining model litigant conduct
  - b) Investigating breaches of the model litigant rules

**The answers to the honourable Senator's questions are as follows:**

1. a)-c)

There were 48 notifications of possible breaches of the model litigant obligation in FY 2013-14, 70 in FY 2014-2015, and 44 in FY 2015-2016.

2. a)-c)

Under the 'Legal Services Directions 2005 Compliance Framework', OLSC's responsibilities include monitoring and supporting agency and legal service provider compliance with the *Legal Services Directions 2017* (the Directions), including the model litigant obligation. OLSC aims to encourage and support compliance by agencies and their legal services providers for the purpose of promoting awareness of the obligations, monitoring compliance, monitoring and supporting better compliance practices, and encouraging agencies to take appropriate action to respond to possible or actual non-compliance.

OLSC does not make findings of breaches of the model litigant obligations. Commonwealth agencies are responsible for ensuring compliance with the obligations contained in the Directions. When allegations are made of breaches of the model litigant obligation, agencies are required to complete a self-assessment of their compliance. OLSC does not conduct reviews in relation to, or resolve, complaints from members of the public about agency compliance. Complaints from members of the public are forwarded to the relevant agency for appropriate action. Agencies are expected to have arrangements in place to consider and appropriately respond to allegations of non-compliance, and to take necessary remedial action to ensure better practice in compliance with the Directions.

OLSC obtains information from agencies about compliance complaints, resolution, and remedial action to identify systemic issues or areas of risk to the Commonwealth or public interest.

3. a)-b)

The nature of the obligation to act as a model litigant can be found at Appendix B of the Directions. OLSC's approach to supporting compliance with the model litigant obligation is described in the following documents, which are available on the Attorney-General's Department website:

- 'Legal Services Directions 2005 Compliance Framework'
- 'Office of Legal Services Coordination Guidance Note 3 – Compliance with the Legal Services Directions 2005'.