

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Output 1.2

Question No. 301

Senator Bishop asked the following question at the hearing on 31 October 2005:

Does the Minister's department have a reporting system from agencies whereby application of the Directions by other agencies is monitored; if so, in each of the last five years in each Commonwealth agency, (a) on how many occasions have approvals been granted for legal assistance under the Directions, (b) what was the specific nature of the legal action faced, (c) what was the outcome and cost in each case, (d) on how many occasions was approval withheld pending the outcome of the legal action, (e) in which cases were fines and penalties paid, (f) in which cases were grants refunded due to adverse outcome for actions where employees were not considered to have acted 'reasonably and responsibly', and (g) in how many instances in each year were agencies found to be in breach of the Directions.

The answer to the honourable senator's question is as follows:

(a) The granting of assistance under Appendix E of the Legal Services Directions is a matter for each agency that is subject to Appendix E. The Department does not keep records of the exercise of discretions under the Directions by agencies. The Department is available to provide advice on the application of the Directions and investigates alleged breaches of the Directions.

(b) to (f) See answer to paragraph (a).

(g) The number of breaches found in each year since 2000-01, as recorded in the Annual Reports of the Attorney-General's Department, has been as follows:

2000-01: one breach

2001-02: two breaches

2002-03: seven breaches

2003-04: eight breaches

2004-05: 16 breaches.