

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

Group 2

Program 1.3

Question No. 45

Senator Brandis asked the following question at the hearing on 16 October 2012:

Senator BRANDIS: In respect of compliance with the legal services directions, how many reports of noncompliance with the legal services directions were made in 2011-12?

Mr Minogue: It depends on how you take the figures. So I might in part take it on notice but also give you the figures that we have. In 2011-12 there were 95 reviews opened.

We finalised 60 of those reviews: 22 of those related to agencies that were late in reporting legal services expenditure, along the lines we discussed previously—the importance of that; a number of agencies in relation to compliance certificates; two breaches of agencies failing to adhere to obligations in relation to seeking constitutional law advice from the appropriate sources; and one model litigant issue.

Senator BRANDIS: What was that case?

Mr Minogue: I will not disclose the name because some of these things that are raised with us are on the basis that they are confidential or otherwise and I do not know whether this one was raised on a confidential basis.

Senator BRANDIS: Would you take that on notice. I think we are entitled to know if there was a breach of the model litigant obligations and what the case was.

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

The case involved a complaint against the Department of Veterans' Affairs for non-compliance with the model litigant obligation, contained at Appendix B to the Legal Services Directions, with respect to a settlement agreement. The name of the complainant is withheld in the interests of confidentiality.

Further questions relating to this matter should be directed to the Department of Veterans' Affairs.