

## EXPLANATORY STATEMENT

### ISSUED BY THE AUTHORITY OF THE ATTORNEY-GENERAL

#### *Judiciary Act 1903*

#### *Legal Services Amendment (Removal of External Legal Service Provider Reporting Requirements) Directions 2016*

### **INTRODUCTION**

Under paragraph 55ZF(1)(a) of the *Judiciary Act 1903*, the Attorney-General may issue Directions applying generally to Commonwealth legal work (as defined in that section).

### **AMENDMENTS**

#### **Schedule 1**

Schedule 1 implements a recommendation from the *Independent Review of Whole-of-Government Internal Regulation Report to Secretaries Committee on Transformation* (August 2015).

The recommendation is to repeal the mandatory requirement under the *Legal Services Directions 2005* (the Directions) to submit evaluations of Commonwealth legal work undertaken by external legal services providers.

This amendment would remove the obligations under paragraphs 6 and 7 of Appendix F to the Schedule of the Directions that relate to government agencies reporting to the Office of Legal Services Coordination concerning the rating for external legal services to the Commonwealth. Agencies feedback about legal services provider's performance and value will still be sought, and made available, to continue to support agencies to be informed purchasers in decisions about the procurement of Commonwealth legal services.

The repealing of paragraphs 6 and 7 of Appendix F will not disturb the operation of paragraph 8 of Appendix F which may be relied upon to obtain performance information from Commonwealth entities, including as to the performance of external legal services providers on the Legal Services Multi-Use List.

#### **Regulatory impact**

The Office of Best Practice Regulation has advised that a Regulation Impact Statement is not required as the Directions are machinery in nature and do not change the regulatory burden placed on businesses or the non-profit sector (OBPR ID 20029).

#### **Statement of compatibility with human rights obligations**

Before this instrument was made, its impact on human rights was assessed using tools and guidance published by the Attorney-General's Department. This Legislative Instrument is fully compatible with human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

## **Consultation**

The Attorney-General's Department has consulted with agencies through the General Counsel Working Group.