

Legal Services Directions 2017

SUPPLEMENTARY EXPLANATORY STATEMENT

Issued by the Attorney-General
under section 55ZF of the *Judiciary Act 1903*

INTRODUCTION

The Attorney-General has power under section 55ZG of the *Judiciary Act 1903* (Judiciary Act), to enforce compliance with a legal services direction issued by him/her under section 55ZF of the Judiciary Act.

The Attorney-General may under paragraph 14 of the *Legal Services Directions 2017* (the Directions), impose sanctions for non-compliance with the Directions.

OUTLINE

This Supplementary Explanatory Statement outlines the Attorney-General's power to issue sanctions to enforce compliance with the Directions.

The legislative provisions of the Judiciary Act that grant the power to the Attorney-General to issue directions limit such a direction to the performance of Commonwealth legal work. This limitation also applies to the Attorney-General's power to enforce compliance including his power to issue sanctions under the Directions.

The note to paragraph 14.1 of the Directions refers a reader to the *Compliance Framework* (the framework) published by the Office of Legal Services Coordination. The framework states that the Attorney-General can issue a direction under section 55ZF(1)(b) of the Judiciary Act enforcing and/or directing compliance with the Directions, or to address a risk not adequately addressed by the Directions. The framework further states that a direction would only be made where there is no other more effective means of addressing the identified risk to the Commonwealth and that the issuing of such a direction is likely to be exceptional.