

EXPLANATORY STATEMENT

ISSUED BY THE AUTHORITY OF THE ATTORNEY-GENERAL

Judiciary Act 1903

Legal Services Amendment (Public Governance, Performance and Accountability, AGS) Directions 2015

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 has been drafted to reflect the status of agencies in the *Public Governance, Performance and Accountability Act 2013* (PGPA Act). PGPA Act terms including ‘non-corporate Commonwealth entity’ and ‘corporate Commonwealth entity’ has replaced references to ‘FMA agency’ and ‘CAC Act body’. The definition of non-corporate Commonwealth entity also includes an entity that was an FMA agency on 30 June 2014, to ensure that obligations continue for agencies that have been re-classified under the PGPA Act. The shortened term ‘entities’ has replaced references to ‘agencies’ where appropriate. The terms ‘Commonwealth agency’ and ‘Commonwealth entity’ has also been defined within the scope of the PGPA Act. These amendments allow agencies to understand their obligations under the Directions following the cessation of the *Public Government, Performance and Accountability (Consequential and Transitional Provisions) Rule 2014*.

Schedule 2

Schedule 2 has been drafted to give effect to the consolidation of the Australian Government Solicitor (AGS) within the Attorney-General’s Department. References to AGS have been amended to ensure that AGS in its new form as part of AGD continues to operate as a legal services provider. All provisions and obligations relating to AGS remain unchanged.

PROCESS BEFORE INSTRUMENT WAS MADE

Regulatory impact

The Office of Best Practice Regulation (OBPR) 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 19136).

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 had limited consultation with affected agencies through the General Counsel Working Group and AGS.