

RECEIVED
25 NOV 2008BY: LACA

M.R.

The Secretary
Inquiry into whistleblower protections within the Australian Government
public service.
Parliament House
CANBERRA ACT 2600

Dear Sir/Madam

Re- THE INQUIRY INTO WHISTLEBLOWER PROTECTIONS WITHIN THE AUSTRALIAN PUBLIC SERVICE

Further to my submission of 15th July 2008 I have encountered another legal problem that needs to be included with that submission as, within the last month, the Attorney-General has amended the Legal Services Directions 2005, in accordance with Section 55ZF of the Judiciary Act 1903.

However, Section 55ZG of that Act prohibits whistleblowers from referring to non compliance, with those directions, at any court or tribunal hearing.

Compliance with a Legal Services Direction is not enforceable by a court or tribunal, except by, or upon the application of the Attorney-General.

Based on the 19th November 2008 response to me from the Attorney-General's Department, whistleblowers will find it almost impossible to have those Legal Services Directions enforced, to their disadvantage.

The Attorney-General's delegated officers must act more leniently towards whistleblowers who request enforcement the current Legal Services Direction's, providing there is evidence to demonstrate those directions are being ignored by those either instructing or representing the Commonwealth.

Yours sincerely

25th November 2008



Commonwealth Consolidated Acts

[[Index](#)] [[Table](#)] [[Search](#)] [[Search this Act](#)] [[Notes](#)] [[Noteup](#)] [[Previous](#)] [[Next](#)] [[Download](#)] [[Context](#)] [[No Context](#)] [[Help](#)]

JUDICIARY ACT 1903 - SECT 55ZG

Compliance with [Legal Services Directions](#)

(1) The following persons or bodies must comply with [Legal Services Directions](#) that have been published and with [Legal Services Directions](#) of which the person or body has been notified:

- (a) a person or body referred to in subsection 55N(1);
- (b) a person or body referred to in subsection 55N(2), in relation to a matter, if the AGS is acting for the person or body in that matter;
- (c) a person or body in respect of whom the Attorney-General has made a request under subsection 55N(3), in relation to a matter, if the AGS is acting for the person or the body in that matter;
- (d) a person or body in respect of whom the CEO has made a determination under subsection 55N(4), in relation to a matter, if the AGS is acting for the person or body in that matter;
- (e) the AGS;
- (f) a legal practitioner or firm of legal practitioners, in relation to a matter, if the legal practitioner or firm is acting for a person or body referred to in subsection 55N(1) in that matter.

(2) Compliance with a [Legal Services Direction](#) is not enforceable except by, or upon the application of, the Attorney-General.

(3) The issue of non-compliance with a [Legal Services Direction](#) may not be raised in any proceeding (whether in a court, tribunal or other body) except by, or on behalf of, the Commonwealth.

[[Index](#)] [[Table](#)] [[Search](#)] [[Search this Act](#)] [[Notes](#)] [[Noteup](#)] [[Previous](#)] [[Next](#)] [[Download](#)] [[Help](#)]