

Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Industry, Innovation, Science, Research and Tertiary Education Portfolio
Additional Estimates Hearing 2012-13
13 February 2013

AGENCY/DEPARTMENT: DEPARTMENT OF INDUSTRY, INNOVATION, SCIENCE, RESEARCH AND TERTIARY EDUCATION

TOPIC: Legal Services

REFERENCE: Written Question – Senator Bushby

QUESTION No.: AI-163

1. Is it true that, under the Legal Services Directives of 2005, a Commonwealth authority or corporation is obliged to conduct its legal proceedings as a ‘model litigant’ in the interests of taxpayers and the Australian public?
2. And would that include obligations like ensuring that:
 - it deals with claims promptly, and does not cause unnecessary delays in the handling of claims and litigation;
 - it keeps litigation costs to a minimum; and
 - it does not require other parties to prove a matter which the Commonwealth and/or the agency knows not to be true?
3. And, all of that being the case, is the Department and are each of the agencies in the IISRTE portfolio required to meet these ‘model litigant’ requirements?
4. Has it been brought to the Secretary’s attention, at any time, that one or more of the portfolio agencies and/or the Department may have failed to meet these requirements? If so, when – and which one(s)?

ANSWER

1. Yes, Commonwealth agencies are obliged to comply with the Model Litigant Obligations in Appendix B of the *Legal Services Directions 2005*.
2. Yes, the Model Litigant Obligation include obligations to deal with claims promptly, not cause unnecessary delays in the handling of claims and litigation, keep litigation costs to a minimum, and not require other parties to prove matters which the Commonwealth or agency knows to be true.
3. The department and its portfolio agencies are required to meet those model litigant requirements.
4. No.

AUSTRALIAN INSTITUTE OF ABORIGINAL AND TORRES STRAIT ISLANDER STUDIES

1. Yes, Commonwealth agencies are obliged to comply with the Model Litigant Obligations in Appendix B of the *Legal Services Directions 2005*.
2. Yes, the Model Litigant Obligation include obligations to deal with claims promptly, not cause unnecessary delays in the handling of claims and litigation, keep litigation costs to a minimum, and not require other parties to prove matters which the Commonwealth or agency knows to be true.
3. As a *Commonwealth Authority and Companies Act 1997* agency, AIATSIS is required to meet the 'model litigant' requirements.
4. No.

AUSTRALIAN INSTITUTE OF MARINE SCIENCE

2. Yes, Commonwealth agencies are obliged to comply with the Model Litigant Obligations in Appendix B of the *Legal Services Directions 2005*.
3. Yes, the Model Litigant Obligation include obligations to deal with claims promptly, not cause unnecessary delays in the handling of claims and litigation, keep litigation costs to a minimum, and not require other parties to prove matters which the Commonwealth or agency knows to be true.
4. As a *Commonwealth Authority and Companies Act 1997* agency, AIMS is required to meet the 'model litigant' requirements.
5. No.

AUSTRALIAN NUCLEAR SCIENCE AND TECHNOLOGY ORGANISATION

1. Yes, Commonwealth agencies are obliged to comply with the Model Litigant Obligations in Appendix B of the *Legal Services Directions 2005*.
2. Yes, the Model Litigant Obligation include obligations to deal with claims promptly, not cause unnecessary delays in the handling of claims and litigation, keep litigation costs to a minimum, and not require other parties to prove matters which the Commonwealth or agency knows to be true.
3. As *Commonwealth Authority and Companies Act 1997* agency, ANSTO is required to meet the 'model litigant' requirements.
4. No.

AUSTRALIAN RESERCH COUNCIL

1. Yes, Commonwealth agencies are obliged to comply with the Model Litigant Obligations in Appendix B of the *Legal Services Directions 2005*.
2. Yes, the Model Litigant Obligation include obligations to deal with claims promptly, not cause unnecessary delays in the handling of claims and litigation, keep litigation costs to a minimum, and not require other parties to prove matters which the Commonwealth or agency knows to be true.
3. As a *Financial Management and Accountability Act 1997* agency, the Australian Research Council is required to meet the 'model litigant' requirements.
4. No.

AUSTRALIAN SKILLS QUALITY AUTHORITY

1. Yes, Commonwealth agencies are obliged to comply with the Model Litigant Obligations in Appendix B of the *Legal Services Directions 2005*.
2. Yes, the Model Litigant Obligation include obligations to deal with claims promptly, not cause unnecessary delays in the handling of claims and litigation, keep litigation costs to a minimum, and not require other parties to prove matters which the Commonwealth or agency knows to be true.
3. As *Financial Management and Accountability Act 1997* agency the Australian Skills Quality Authority is required to meet the 'model litigant' requirements.
4. No.

COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANISATION

1. Yes, Commonwealth agencies are obliged to comply with the Model Litigant Obligations in Appendix B of the *Legal Services Directions 2005*.
2. Yes, the Model Litigant Obligation include obligations to deal with claims promptly, not cause unnecessary delays in the handling of claims and litigation, keep litigation costs to a minimum, and not require other parties to prove matters which the Commonwealth or agency knows to be true.
3. As a *Commonwealth Authority and Companies Act 1997* agency, CSIRO is required to meet the 'model litigant' requirements.
4. No.

IP AUSTRALIA

1. Yes, Commonwealth agencies are obliged to comply with the Model Litigant Obligations in Appendix B of the *Legal Services Directions 2005*.
2. Yes, the Model Litigant Obligation include obligations to deal with claims promptly, not cause unnecessary delays in the handling of claims and litigation, keep litigation costs to a minimum, and not require other parties to prove matters which the Commonwealth or agency knows to be true.
3. As a *Financial Management and Accountability Act 1997* agency, IP Australia is required to meet the 'model litigant' requirements.
4. No.

TERTIARY EDUCATION QUALITY AND STANDARDS AGENCY

1. Yes, Commonwealth agencies are obliged to comply with the Model Litigant Obligations in Appendix B of the *Legal Services Directions 2005*
2. Yes, the Model Litigant Obligation include obligations to deal with claims promptly, not cause unnecessary delays in the handling of claims and litigation, keep litigation costs to a minimum, and not require other parties to prove matters which the Commonwealth or agency knows to be true.
3. As a *Financial Management and Accountability Act 1997* agency, the Tertiary Education Quality and Standards Agency is required to meet the 'model litigant' requirements.
4. No.