



Legal Services Directions 2017 – Certificate of Compliance 2021–22

Australian Fisheries Management Authority

[Guidance Note 3](#) contains information about complying with the *Legal Services Directions 2017* (the Directions). The checklist below at Attachment A from Guidance Note 3 will assist in determining compliance with the Directions.

I, Wez Norris, Accountable Authority of the Australian Fisheries Management Authority, certify under the *Legal Services Directions 2017* that during the financial year 2021–22 (corporate Commonwealth entities only need to complete section (c)):

- (a) this entity reported to OLSC as soon as practicable, all apparent or possible non-compliance with the Directions, or allegations of non-compliance of which the entity is aware:

Yes No

[If no, please list below all instances of the possible or actual non-compliance (including alleged) including for previously unreported non-compliance, information of the kind required under paragraph 11.1(d) of the Directions.]

- (b) this entity has appropriate management strategies and practices in place to ensure compliance with the Directions:

Yes No


[If no, please advise how the entity intends to improve the internal systems and procedures to ensure compliance with the Directions and to respond to instances of potential or actual non-compliance.]

- (c) this entity has used person/persons appointed by the Attorney-General under section 63 of the *Judiciary Act 1903* to receive service in proceedings to which the Commonwealth is a party:

Yes Not applicable

If yes, please provide details and attach the list to this Certificate (refer to paragraph 11.2(ba) of the Directions) *[Please attach a list]*

Signed:


Wez Norris
Chief Executive Officer
Australian Fisheries Management Authority

26 August /2022

Compliance Certificate checklist

Paragraph 11.2 of the *Legal Services Directions 2017* (Directions) requires a non-corporate Commonwealth entity to provide a compliance certificate to OLSC within 60 days of the end of each financial year setting out the extent to which the entity has complied with the Directions.

The onus is primarily on entities to demonstrate their compliance with the Directions and to show that they have appropriate systems in place for monitoring compliance.

	Obligations under the <i>Legal Services Directions 2017</i> In the most recent Financial Year, has your entity always complied with the requirement to:	Yes/No/Not Applicable
1	Engage tied providers to do constitutional, cabinet, national security, public international law or drafting work in accordance with Appendix A and Paragraph 2	Yes
2	Report a significant issue to the Attorney-General or OLSC in accordance with Paragraph 3.1	Yes
3	Only settling a claim reported as a significant issue with the agreement of the Attorney-General pursuant to Paragraph 3.2	Not Applicable
4	Comply with an instruction from the Attorney-General about the handling of claims or the conduct of litigation pursuant to Paragraph 4.1	Yes
5	Comply with the model litigant obligation pursuant to Appendix B and Paragraph 4.2	Yes
6	Handle claims and conduct litigation in accordance with legal principle and practice pursuant to Paragraph 4.3	Yes
7	Handle monetary claims in accordance with the Directions on Handling Monetary Claims at Appendix C and Paragraph 4.4	Not Applicable
8	Comply with obligations on the disclosure of a settlement pursuant to Paragraphs 4.5 and 4.5A	Not Applicable
9	Only objecting or consenting to the jurisdiction of a State or Territory court or tribunal with the Attorney-General's approval (Paragraphs 4.6 and 4.6A)	Not Applicable
10	Obtain written legal advice from lawyers the agency is able to use that there are reasonable grounds for commencing court proceedings, before commencing proceedings pursuant to Paragraph 4.7	Not Applicable
11	Only using in-house lawyers to conduct court litigation as solicitor on the record or as counsel with the approval of the Attorney-General pursuant to Paragraph 5	Not Applicable
12	Engage counsel in accordance with Appendix D and Paragraph 6	Yes
13	Comply with the requirements relating to public interest immunity where a request or demand to provide documents or information arises in the conduct of litigation pursuant to Paragraph 7	Not Applicable

14	Waiving obligations in relation to limitation periods pursuant to Paragraph 8	Not Applicable
15	Comply with the requirements of Appendix E to the Directions when providing financial assistance to a Commonwealth employee pursuant to Paragraph 9	Not Applicable
16	Comply with the requirements of Appendix F to the Directions when procuring legal services from external legal service providers pursuant to Paragraph 9A	Yes
17	Consulting with the administering agency on a request for advice pursuant to Paragraph 10	Yes
18	Taking reasonable steps to share advice that may be significant to other agencies with those agencies pursuant to Paragraph 10.8	Yes
19	Advise the Secretary of the Attorney-General's Department where a request for advice has been made to AGS about a constitutional law matter pursuant to Paragraph 10A	*No

Describe the circumstances of any instance of potential non-compliance identified above and any action undertaken by the entity to address potential non-compliance:

Nil

Have you used a person or persons appointed by the Attorney-General under s 63 of the *Judiciary Act 1903* to receive service in proceedings where the Commonwealth is a party?

If so, (in accordance with paragraph 11.2(ba)) in respect of each proceeding, please provide the following:

- name of the persons who received service
- proceedings in which the appointed person received service
- issues raised in proceedings in which appointed persons received service
- nature of each document served on the appointed persons
- date on which these documents were served, and
- date on which the agency or OLSC was advised of the receipt of service of each document by the appointed person

No

Is there any other information relevant to the entity's compliance with the Directions that you have not already provided?

In relation to advising the Secretary of the Attorney-General's Department where requests for advice has been made to AGS about a constitutional law matter pursuant to Paragraph 10A of the *Legal Services Directions 2017*, AFMA did not copy in the email address AGD.conrequests@ag.gov.au when requesting AGS to conduct a constitutional risk assessment in relation to New Policy Proposals (NPPs) as required by the Guidance Note 10. However, we note the constitutional assessment was provided to the Secretary by AGS.

AFMA will put in place an internal standard operating practice to ensure that any future Constitutional Risk Assessments that are instigated/requested by AFMA with AGS will be copied to the e-mail address: AGD.conrequests@aq.gov.au at the same time as the request or written confirmation is sent to AGS.