



Australian Government
Attorney-General's Department

Whole of Australian Government Legal Services Panel

Agency information session



Contact Details

- OLSC website:
www.ag.gov.au/olsc
- The contact point for queries is:
lsreview@ag.gov.au



Agenda

- Panel update
- Guidance Material
- Introducing the Legal Services Panel Portal
- Legal Services Directions
- Questions?



Background to the Panel

- Recommendation of the Secretary's Review of Commonwealth Legal Services
- AGS role in-house government provider
- Coordinated procurement
- Open tender / Value for money process
- Fulfils the CPRs
- Clause 4.12 CPRs – mandatory for NCEs



Corporate Commonwealth entities

- Can opt-in to use the Panel
- Must complete the Deed of Participation agreeing to:
 - Follow the Guidance Material
 - Pay Panel fee
 - Keep rates confidential
- CCEs can inspect the Panel rates on a confidential basis before opting in

Whole of Australian Government Legal Services Panel

Areas of Law

Workplace, industrial relations and compensation

- Employment and industrial relations
- Commonwealth workers' compensation
- Workplace health and safety
- Compensation, damages and personal injury
- *Dispute resolution and litigation*[^]

Property and environment

- General property
- Transactional property
- Construction and infrastructure
- Environment
- *Dispute resolution and litigation*[^]

Public law

- Administrative law
- Debt recovery
- Freedom of Information and PID
- Human rights and discrimination
- *Dispute resolution and litigation*[^]

Litigation Specialisation

- Specific litigation, disputes and proceedings that require expertise in large scale, routine, and/or complex dispute resolution processes.

Corporate and Commercial

- General contract law
- Procurement and tendering
- Governance and Probity
- Corporations, markets, financial services and consumer credit law
- Insurance (other than workplace)
- Intellectual property
- Media
- Information and communications technology
- Insolvency & bankruptcy
- *Dispute resolution and litigation*[^]

Legal Support Services

- Short to medium term Legal Support Services

Specialised Portfolio Streams

Competition and consumer law

Tax technical law

[^]*Dispute resolution and litigation* as it appears under these general areas of law refers to routine or day to day forms of general litigation that do not feature the factors listed in the Litigation Specialisation category.



Tender Evaluation Process

- Legal Services Providers were evaluated for their technical expertise and pricing
- 17 agencies and the Panel Advisory Group assisted evaluations
- 25 Practice Areas, Litigation Specialisation and Legal Support Services were evaluated



Panel Update

- Evaluations are complete, but remains subject to approval processes
- Outcome remains **CONFIDENTIAL**
- Panel is on track to launch 15 August 2019.



Panel Head Agreement

- Head Agreement between AGD and each Legal Services Provider
- Legal Services Providers will be on the Panel for one or more Practice Areas
- Panel term is 3 years plus two 1 year options



Transitional Arrangements

- Parcelling or panel arrangements were established before the expiry of the LSMUL
- Six months to transition to the Legal Services Panel
- Advise that arrangements be extended to 31 December 2019



Transitional Arrangements

Current parcelling arrangements across Commonwealth entities¹

If you would like to talk to one of the entities below about their parcelling arrangements, the Office of Legal Services Coordination (OLSC) is able to provide assistance with contact details, please email LSReview@ag.gov.au to request this information.

TYPE OF WORK	Corporate & Commercial	Public law	Workplace & industrial relations	Dispute resolution & Complex litigation	Property & Environment	Competition & consumer law
Department of Environment & Energy	<i>Expiry date: 8/06/2019</i>	<i>Expiry date: 8/06/2019</i>				
Department of Agriculture & Water Resources	<i>Expiry date: 23/06/2019</i>	<i>Expiry date: 23/06/2019</i>		<i>Expiry date: 23/06/2019</i>		
Department of Education & Training	<i>Expiry date: 29/06/2019</i>	<i>Expiry date: 29/06/2019</i>		<i>Expiry date: 29/06/2019</i>		
Australian Competition & Consumer Commission						<i>Expiry date: 30/06/2019</i>
Australian Taxation Office	<i>Expiry date: 30/06/2020</i>	<i>Expiry date: 30/06/2020</i>	<i>Expiry date: 30/06/2020</i>	<i>Expiry date: 30/06/2020</i>	<i>Expiry date: 30/06/2020</i>	<i>Expiry date: 30/06/2020</i>
Department of the Prime Minister & Cabinet	<i>Expiry date: 01/07/2019</i>	<i>Expiry date: 01/07/2019</i>	<i>Expiry date: 01/07/2019</i>		<i>Expiry date: 01/07/2019</i>	
Department of Jobs & Small Business	<i>Expiry date: 29/06/2019</i>	<i>Expiry date: 29/06/2019</i>	<i>Expiry date: 29/06/2019</i>	<i>Expiry date: 29/06/2019</i>		
Department of Human Services	<i>Expiry date: 31/07/2019</i> <i>(option to extend 31/03/2020)</i>	<i>Expiry date: 31/07/2019</i> <i>(option to extend 31/03/2020)</i>	<i>Expiry date: 31/07/2019</i> <i>(option to extend 31/03/2020)</i>	<i>Expiry date: 31/07/2019</i> <i>(option to extend 31/03/2020)</i>	<i>Expiry date: 31/07/2019</i> <i>(option to extend 31/03/2020)</i>	



Upon Commencement

- Agencies to use the Panel for new legal services unless they are using a pre-existing parcelling arrangement
- After 6 months Agencies need to use the Panel, subject to the Flexibility Framework in the Panel Guidance
- Legal Services Directions will be amended



Using the Panel

- Order direct from the Panel
- Seek Requests for Quote from one or several providers



Bundling Arrangements

- “Bundle” a number of legal services
- RFQ for targeted arrangements for a bundle of services
- Panel Guidance will require price transparency for all Panel users



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The Panel Guidance Material



Scope of the Panel

- Mandatory for NCEs and CCEs & CCs may opt-in by signing a Deed of Participation
- Limited exceptions to using the Panel:
 - Off-Panel Flexibility Framework
 - AGS for tied and un-tied work
 - Use of counsel
 - ACCC and ATO Specialised Streams



Flexibility Framework

- 10% of expenditure on external legal services may be off-Panel
 - No approval required
- Exemption from using the Panel
 - Requires approval from AGD



Flexibility Framework

NOTE: Off-Panel procurements require a procurement process that complies with the CPRs



AGD's Role

- Administer the Panel for the benefit of participating Agencies
 - Managing the Head Agreements with providers
 - Overseeing the performance management framework for providers
 - Coordinating access to value-add services offered by firms
 - Providing high level analysis, reporting and strategic advice



AGD's Role

- Administer the Panel for the benefit of participating Agencies
 - Managing the Legal Services Panel Portal
 - Monitoring the Panel to implement efficiencies
 - Reviewing and refreshing the Panel
 - Administering the Flexibility Framework



Panel Fee

- Agencies will pay a Panel Fee to cover the costs of administering the Panel
- The Panel Fee will be 0.4% - 1% of external professional fee expenditure
- First Panel Fee will be based on 2017-18 expenditure and will not be levied if it is below \$500



Role of AGS

- AGS has a separate role recognised in the Secretary's Review
- AGS was not required to tender for the Panel but complements the Panel



Role of AGS

- Agencies can use AGS for tied and untied legal services
- Agencies don't need to use the Panel Flexibility Framework to engage AGS
- Consider the application of the CPRs



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Legal Services Panel Portal



Panel Portal

Different information will be available to:

- The Public
- **Agencies**
- Legal Services Providers



Panel Portal

Agencies can use the portal to:

- Search for providers on the Panel, inc.:
 - Approved Practice Areas
 - Pricing
 - Key Personnel
 - Location
- Issue RFQs and Orders
- Apply for exemptions
- Submit Annual Expenditure Reports



Portal Access

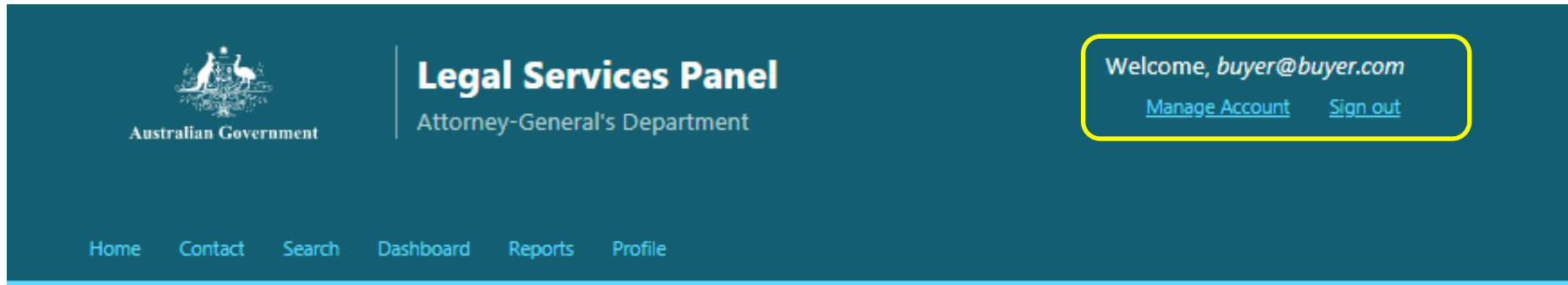
- Agencies can regulate access for users in their Agency
- Agencies **MUST NOT** grant access to secondees from Legal Services Providers
- **To gain access Agencies must** complete the Agency Profile form that will be sent following the presentation.



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Panel Portal Demonstration

Logged in as an Agency user



The header of the Legal Services Panel is displayed on a dark teal background. On the left is the Australian Government logo. In the center, the text reads "Legal Services Panel" and "Attorney-General's Department". On the right, a yellow-bordered box contains the text "Welcome, buyer@buyer.com" and two links: "Manage Account" and "Sign out". Below the header is a navigation bar with links for Home, Contact, Search, Dashboard, Reports, and Profile.

Accept the Terms of Service to continue

Agencies and Legal Services Providers must be familiar with the Panel Head Agreement (Head Agreement) and the Panel Guidance Material. Agencies that have opted-in to use the Panel must also be familiar with the Deed of Participation in the Whole of Australian Government Legal Services Panel Arrangement (Deed of Participation).

By ticking this box you acknowledge that you have read and agree to comply with the Head Agreement, the Panel Guidance Material and the Deed of Participation (if relevant).

Confidentiality obligation: The Legal Services Panel Portal contains Confidential Information about Legal Services Providers that is commercially sensitive, including pricing and performance information. Confidential Information must be used or disclosed in accordance with the confidentiality provisions in Clause 22 of the Head Agreement.

By ticking this box you acknowledge that you have read clause 22 of the Head Agreement and agree to the confidentiality obligations.

Continue

Unable to browse the panel until this is selected and the user selects 'Continue'

Agency search page for LSPs



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Welcome, *ag@ag.com*

[Manage Account](#)

[Sign out](#)

[Home](#)

[Contact](#)

[Search](#)

[AGD Dashboard](#)

Area of Law		Practice Area	Location	
▼		▲	▼	
▼ Daily Rates		<input type="text"/>		
		Clear Selection	Collapse All Expand All Export to Excel	
LSP Name	Area of Law	Practice Area	Partner/Day (\$)	SC/Day (\$)
▼ Australian Government Solicitor		<input type="checkbox"/> Employment and industrial relations		View Profile
▼ Bonafides		<input type="checkbox"/> Administrative Law		View Profile
▼ Justicia		<input type="checkbox"/> Debt recovery		View Profile
▼ Pari Delicto		<input type="checkbox"/> Human rights and discrimination		View Profile
		<input type="checkbox"/> Freedom of information, privacy and public interest disclosure		View Profile
		<input type="checkbox"/> Workplace health and safety		
		<input type="checkbox"/> Commonwealth workers' compensation		
		<input type="checkbox"/> WIRC Dispute resolution and litigation		

Viewing an LSP profile

Pari Delicto Summary

Representative

Representative Name Kim Smith
Position Partner
Phone 02 6000 000
Email Address representative@pari.com.au

Senior Executive

Senior Executive Name Karen Jones
Position Senior Associate
Phone 02 6500 1234
Email Address representative2@pari.com.au

Details for notices

Name Kyle Brown
Position Procurement Officer
Address PO Box 865 Canberra ACT 2600

Areas of Law and Practice Areas

Public Law

Administrative Law

ACT NSW

Debt recovery

ACT

Corporate and Commercial

Media

ACT NSW

Information and communications technology

NSW

Workplace, Industrial Relations and Compensation

WIRC Dispute resolution and litigation

ACT

Employment and industrial relations

ACT NSW QLD

Compensation, damages and personal injury

ACT TAS

Commonwealth workers' compensation

ACT NSW NT QLD SA TAS VIC WA

Agency Dashboard view - RFQ

[Home](#) [Contact](#) [Search](#) [Dashboard](#) [Reports](#) [Profile](#)

[Home](#) > [Dashboard](#)

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Create RFQ

Dashboard

[My RFQs](#) [Agency RFQs](#) [Agency Staff Members](#) [User Management](#) [Forms](#)

RFQ ID	Name	Author	Closing Time	Status
12	Untitled	Placeholder		Draft (placeholder)

Agency Dashboard view – Create and Manage an RFQ

Home Contact Search Dashboard Reports Profile

[Home](#) > [Agency Dashboard](#) > RFQ Management

Manage RFQ

[Create and publish request](#)

[Answer LSP questions](#)

[View responses](#)

[Create work order](#)

Example adding LSPs to the RFQ

Home Contact Search Dashboard Reports Profile

Home > Agency Dashboard > Manage RFQ > Create/Publish RFQ

Done Introduction

To do Agency Information

To do RFQ and Proposed Order Details

In Progress **Statement of Work**

To do Statement of Work Detail

To do Nominated Person Details

Done Review and Publish

Statement of Work

Area of Law

Workplace, Industrial Relations and Compensation

Practice Area

Compensation, damages and personal injury

Legal Service Providers

Pari Delicto [Remove](#)

Save and Continue

Example of attaching one or more files to an RFQ



- Done Introduction
- Done Agency Information
- Done RFQ and Proposed Order Details
- Done Statement of Work
- Done Statement of Work Detail**
- Done Nominated Person Details
- Done Review and Publish

Statement of Work

Detailed Statement of Work
Insert a detailed description of Legal Services required, including relevant background material. A separate Statement of Work may be referenced and attached.

Detailed Statement of Work File

No file chosen

[AreasOfLaw.sql](#)

Detailed Statement of Work1

Example of questions and responses



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[Home](#) > [Agency Dashboard](#) > RFQ Management

Questions

Questioned Date	Question	Response Date	Response
5/1/2019 12:00:00 AM	data	5/2/2019 1:10:36 PM	response goes in this filed
5/2/2019 2:06:59 PM	2nd Rfq Question		Reply

Example of work order view

[Home](#) [Contact](#) [Search](#) [Dashboard](#) [Reports](#) [Profile](#)

[Home](#) > [Agency Dashboard](#) > [Manage Work Order](#) > Create/Publish RFQ

Done
Legal Services Provider Detail

Done
Agency Provider Information

Done
Order Commencement Date
And Term

Done
Statement of Work

Done
Statement of Work Cont...

Done
Legal Services Provider
Information

Done
Review and Submit

Legal Services Provider Detail

Legal Service Providers

Test LSP

Representative Name test

Service Providers Name Test LSP

Address testtest

ABN or ACN 11223491505

Email Address

Save and Continue



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[Home](#) > [Dashboard](#) > Forms

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Create New Form

Form Status Summary

[Submitted](#) [Approved](#) [Not Approved](#) [Draft](#)

Form Type	Reference ID	Current Status	Created By	Created Date
Request for Exemption	RFE-1	Pending review	John Smith	5/19/2019 2:25:28 AM
Request for Exemption	RFE-5	Pending review	John Smith	5/19/2019 1:28:12 AM

Example Agency reports view



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[Home](#) > [Agency Reports Dashboard](#) > Agency Off Panel Expenditure Report

Agency Off Panel Expenditure Report Dashboard

Create Report

Drafts

Created By	Created Date		
Attorney-General's Department	04/03/2019	Continue Draft	Delete Draft



Future of the Portal

Future enhancements will include:

- Display of Value Adds
- Performance Reporting on providers based on agency feedback



Reporting

- **1st Year:** Similar reporting requirements to previous Legal Services Expenditure reporting
- **Subsequently:** Panel expenditure reporting will be obtained from the Legal Services Providers. Agencies are to simply verify the expenditure.
- Agencies will continue to report off-Panel expenditure, internal expenditure etc.



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Legal Services Directions



Proposed Amendments

- Proposed to amend the LSDs to:
 - Mandate use of the Panel
 - Require payment of the Panel Fee
- Panel Guidance Material will be referred to in the Directions



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Questions?



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