

## NSWLSP Agency Billing Summary Reporting

Transport for NSW, as lead agency for the NSW Government, manages the NSW Government Legal Services Panel (**NSWLSP**) and reporting across government. We are reliant on a consistent approach being adopted by NSWLSP panel firms when providing reporting to ensure that the data being provided is accurate.

The quarterly Agency Billing Summary Report requires completion by NSWLSP panel firms only. This guidance note has been developed to assist NSWLSP reporting contacts with completion of the NSWLSP Quarterly Agency Billing Summary Report.

- Where NSWLSP panel firms have been engaged to perform work under the current NSWLSP or previous NSWLSP (and have billed an Agency during the quarter) then a NSWLSP Agency Billing Summary Report and a NSWLSP Volume Discount Report must be completed.  
*Note: NSWLSP firms appointed to Sub Panel 7 Legal Support Services only, must complete the Sub Panel 7 Billing Section in the Report*
- If the panel firm has not performed work under the NSWLSP or previous NSWLSP for any “Agency” in the quarter, a nil return is required by emailing the [legal\\_reporting@transport.nsw.gov.au](mailto:legal_reporting@transport.nsw.gov.au) mailbox. The new SharePoint reporting platform is currently being changed so that “nil returns” can also be submitted via the portal.
- If an amendment to the NSWLSP Agency Billing Summary Report is required, it means that an amendment to the NSWLSP Volume Discount Report is also required.

There is a relationship between the NSWLSP Agency Billing Summary Report and the NSWLSP Volume Discount Report. TfNSW, as lead agency managing the panel on behalf of government, review both reports simultaneously to ensure that eligible Agency billings on the NSWLSP Agency Billing Summary Report, ie professional fees (including secondments) and related entity disbursements for panel, previous panel and off panel matters, are, as a minimum reflected in the correct Volume Discount Activation Columns (**D, E, H**) and, if the firm has reached a volume discount, that the savings for those Agency matters are reflected in Column **R**.

### 1. What is the definition of an “Agency” under the NSWLSP Deed?

**Agency** means a department, agency, separate agency, statutory body, State-owned corporation of the NSW Government, other NSW Government business entity or local government body either in existence at the Commencement Date or that comes into existence during the Term.

### 2. What billings are INCLUDED in the NSWLSP Agency Billing Summary Report?

- Panel - Agency billings for the quarter where a matter was engaged under the NSWLSP on or after 1 July 2021 (ie when the panel commenced).
- Panel - Agency billings for the quarter where a matter was engaged under the previous NSWLSP matter that was engaged prior to 1 July 2021, however, was transitioned to the current NSWLSP on 1 July 2021.

- Previous Panel – Agency billings for the quarter where a matter was engaged under the previous NSWLSP (before 1 July 2021) and did not transition to the current NSWLSP on 1 July 2021 (ie remain on previous panel rates).
- Off Panel - Agency billings for the quarter where a matter was briefed to a NSWLSP firm under a Sub Panel for which the firm is not recommended to perform work. Eg, Firm ABC is appointed to NSWLSP Sub Panel 1 Construction only, however, an agency across government engages the firm to perform work on NSWLSP Sub Panel 2 Commercial. This is considered to be NSWLSP “Off Panel” work.
- Off Panel – Agency billings for the quarter where a matter was briefed to a panel firm that was appointed to the previous NSWLSP that lapsed on 30 June 2021 and were appointed to the current NSWLSP on 1 July 2021, however, the panel firm is not appointed to the same Area of Law/Sub Panel on the current panel.

### 3. What billings are EXCLUDED in the NSWLSP Agency Billing Summary Report?

- Agency billings for the quarter where a matter was engaged under the Regional & Rural Legal Services Panel are not included in the NSWLSP Agency Billing Summary Report, however, these billings are included in the NSWLSP Volume Discount Report in Volume Discount Activation Column **F**.
- Agency billings for the quarter where a matter was engaged under the iCare Panel, however, these billings are included in the NSWLSP Volume Discount Report in Volume Discount Activation Column **G** and the respective savings for the iCare Panel are included in Volume Discount Application Column **S**.
- Agency billings for the quarter where Crown Solicitor’s Office was engaged to perform “core legal work” are **not** included in the NSWLSP Agency Billing Summary Report. Therefore, these billings are **not** to be included in the NSWLSP Volume Discount Report.
- Agency Billings for the quarter where the matter was engaged under the NSWLSP (‘Panel’ engagement) that are paid by, and invoiced to, third parties that do not meet the definition of Agency under the Deed (eg property developers, tenants etc). Therefore, these billings are not included in the NSWLSP Agency Billing Summary Report.

These billings **do not contribute to the activation** of the volume discount threshold (as the invoice was billed to a third party that does not meet the definition of an Agency), and, as a result do not have to be included “Activation Column **E**” in the NSWLSP Volume Discount Report. However, **application of the volume discount is applicable** to these billings and should be included in Column **R** (Total NSWLSP Panel Volume Discount (\$) applied (ex GST) in the NSWLSP Quarterly Volume Discount Report.

- Agency billings relating to matters engaged under the NSWLSP (‘Panel’ engagement) for which an invoice is issued in the **Agency’s name and reimbursed by the third party (to pay the government’s costs)**, or are issued directly to a third party that does not meet the definition of Agency under the deed (i.e. property developer, tenants etc) do **not** have to be included in the NSWLSP Quarterly Agency Billing Summary Report.

However, these billings do contribute to the **activation** of the volume discount threshold and are to be included in the Column **E** in the NSWLSP Quarterly Volume Discount Report. Application of the volume discount **is applicable to these billings** and should be included in Column **R** (Total NSWLSP Panel Volume Discount (\$) applied (ex GST) in the NSWLSP Quarterly Volume Discount Report.

- Agency billings relating to matters where firm was are engaged to perform work under a separate agreement or another panel (eg engagements with Local Councils under their own panels) are not included in the NSWLSP Agency Billing Summary Report, however, are to be included in Column **H** in the NSWLSP Quarterly Volume Discount Report.

## 4. How to complete the NSWLSP Agency Billing Summary Report

- **Column A: Agency LEX ID:**

Refer to “**Agency**” definition in Item 1 above.

Review the list of agencies in the “Dropdown” list Tab of the report and find the respective Agency LEX ID.

If the Agency is not listed, email [legal\\_reporting@transport.nsw.gov.au](mailto:legal_reporting@transport.nsw.gov.au) and advise the NSWLSP, Manager, Data and Reporting accordingly and request that the Agency be added to the dropdown list. The change will be made in SharePoint reporting platform and an Agency LEX ID will be provided to the panel firm to use. All NSWLSP reporting templates will be amended to reflect the change in the next quarter.

- **Column B: Law Firm Name:**

Select panel firm name using the “Dropdown” list in the report

- **Column C: Area of Law ID:**

Select the Area of Law that the panel firm was engaged to perform the legal work (and billed) under the NSWLSP using the “Dropdown” list Tab of the report and find the respective Area of Law ID. Using incorrect Area of Law IDs (from previous NSWLSP) will create an error when the report is being uploaded into SharePoint.



NSWLSP Areas of  
Law Explained.docx

- **Column D: Panel Type:**

NSWLSP panel firms are required to report on whether they have been engaged by Agencies to perform work under the current NSWLSP **Panel**, **Previous NSWLSP Panel** or whether the matter was engaged as an **Off Panel** matter.

- **Panel:** NSWLSP matter engaged on or after 1 July 2021 (when the current panel commenced) OR a previous NSWSLP matter that was engaged prior to 1 July 2021, however, was transitioned to the current NSWLSP on 1 July 2021.
- **Previous Panel:** Previous NSWLSP matter engaged before 1 July 2021 that did not transition to the current NSWLSP on 1 July 2021 and remains on previous panel rates.
- **Off Panel:**

1. A matter briefed to a NSWLSP firm under a Sub Panel for which the firm is not recommended to perform work. Eg, Firm ABC is appointed to NSWLSP Sub Panel 1 Construction only, however, an agency across government engages the firm to perform work on NSWLSP Sub Panel 2 Commercial. This is considered to be NSWLSP “Off Panel” work.

*Note: If a Panel Firm is recommended to perform work for one Area of Law under the NSWLSP Sub Panel, the firm may do work across any of those Areas of Law within that Sub Panel without it being considered “Off Panel”.*

2. For NSWSLP panel firms who were appointed to the previous NSWLSP that lapsed on 30 June 2021 and are appointed to the current NSWLSP on 1 July 2021, however, the panel firm is not appointed to the same Area of Law/Sub Panel on the current panel, then the work is considered to be “Off Panel”.

3. For NSWLSP panel firms that are also appointed to the Rural & Regional Legal Services Panel (RRLSP) and are engaged to perform work under the RRLSP, then the work is considered to be “Off Panel” for the purposes of this reporting and is not to be included on the NSWLSP Agency Billing Summary report as there is an RRLSP Agency Billing Summary reporting template for RRLSP firms in SharePoint to complete.
4. For NSWLSP firms or iCare Panel firms where they have been engaged to perform work not under either of these two panels, ie under a separate agreement or separate panel.

It is important that “Panel Type” in the NSWLSP Agency Billing Summary Report is completed correctly as there is a relationship between both the NSWLSP Agency Billing Summary Report and the NSWLSP Volume Discount Report.

When reporting Agency billings in the NSWLSP Agency Billing Summary Report, the same Panel Type must also be used in the NSWLSP Volume Discount Report when entering “eligible billings” (ie Professional fees ex GST and Disbursements (Related Entity only) ex GST) from the NSWLSP Agency Billing Summary Report (Columns AI, AR, BC and BG) into the Volume Discount Report Activation Column **E** (for Panel and Previous Panel matters) and Column **H** (for Off Panel Matters), Respective savings for Panel and Previous Panel matters need to be included in the Volume Discount Report Application Column **R**.

Example 1: a selection of Panel or Previous Panel type in the NSWLSP Agency Billing Summary Report must be the same in the NSWLSP Volume Discount Report and the eligible billings that contribute towards the volume discount threshold limits of \$1m, \$10m, \$50m and \$75m need to be inserted into Column **E** (Total of All Eligible Agency NSWLSP and Previous Panel Billings (ex GST)). Once the panel firm reaches the volume discount threshold limit, the respective 2%, 3%, 4% or 5% must be applied to NSWLSP eligible billings (“Panel” professional fees ex GST and Disbursements (related entity) only) and entered in Column **R** “Total NSWLSP Panel Volume Discount (\$) applied ex GST. It should be noted that the following fees and disbursements are **excluded** for the purpose of **application** of the Volume Discount Amount once the Volume Discount Threshold has been activated:

- Third Party disbursements **but not Related Entity disbursements**
- fees that are fixed by legislation
- off panel engagements
- Counsel fees
- secondment fees
- previous panel engagements
- core legal engagements with the Crown Solicitor’s Office

Example 2: A selection of “Off Panel” in the NSWLSP Agency Billing Summary Report must also be the same in the NSWLSP Volume Discount Report and the “eligible billings” that contribute towards the volume discount threshold limits of \$1m, \$10m, \$50m and \$75m need to be inserted into Column **H** (Total of All Other Eligible Agency Billings (ex GST) only). As a volume discount saving is not applied to “off panel” matters, there is no requirement to apply savings to these matters, nor include these savings in (ie Professional fees ex GST and Disbursements (Related Entity only) ex GST) in Column **R** “Total NSWLSP Panel Volume Discount (\$) applied ex GST.

- **Column E: Report Due Date:**

The NSWLSP Agency Billing Summary Report is due by:

- Quarter 1 – 1 July to 30 September reporting period – due 7 October
- Quarter 2 – 1 October to 31 December reporting period – due 7 January
- Quarter 3 – 1 January to 30 April – due 7 April
- Quarter 4 – 1 May to 30 June – due 7 July

Select the report due date from the dropdown list only. Using other date formats will create an error when the report is being uploaded into SharePoint.

- **Column F: Reference Number:**

The formula in the cell will generate a unique reference number with a combination of Due Date, Agency LEX ID, Firm ID, Area of Law, for example: 20211014 – 4030 – 20

- **Column G: Reference Note:**

NSWLSP Panel firms are required to include the number of active matters in the quarter and the number of new matters in the quarter, in the following format only;

[No. Active Matters] [No. New Matters]

i.e. [14] [5]

- **Column H: Matter Expense Type:**

Specify if the Expense Type of the matter is OPEX OR CAPEX. This information can be found on the Legal Services Order Form at the time of instruction. "Matter Expense Type" is a mandatory field that requires completion on the LSO by the NSW Government Agency. Contact the instructing Agency to determine the Expense Type if it has been omitted from the LSO. If the Agency is unable to provide advice, select "OPEX".

- **Columns I – AF: Resource Fee Types (Rates x Hours):**

Insert the total number of Partner/Senior Associate/Special Counsel/Lawyer 4-6 yrs/Lawyer 1-3 years/Graduate/Paralegal/Licensed Conveyancer hours for the Agency in the quarter.

Insert the NSWLSP Panel Rates hourly rates (ex GST) that were **agreed at the commencement of the NSWLSP on 1 July 2021**. Note that, as per the NSWLSP Deed, where a panel firm has reached a volume discount threshold and a volume discount of either 2%, 3%, 4% or 5% is being applied, the discount should **not** be embedded in the hourly rate on invoices or on the NSWLSP Agency Billing Summary Report. Volume discount savings are required to be shown on the bottom line of the invoice).

- **Column AG: Secondments:**

Insert the total amount of Secondment Fees ex GST. Secondment fees should only be shown in this column and not included in other resource categories such as "partner" or other resource category fee types.

- **Column AH: Total Professional Fees (Calculated) ex GST:**

This will **auto-calculate** the total Professional Fees Invoiced (hours x hourly rate) based on the resource level and secondments ex GST for the quarter.

This is based on the NSWLSP rates agreed x hours and is not necessarily what the Agency has been billed.

- **Column AI: Total Professional Fees Billed (ex GST):**

This is a **MANDATORY FIELD**. This column includes what was 'billed' to the Agency in the quarter. If you leave this field blank it will create an error when the report is being uploaded into SharePoint.

Insert the Total Professional Fees Billed ex GST during the quarter, inclusive of any volume discount or other discount applied (excluding Counsel Fees, Disbursements, Related Entity Disbursements and GST).

- **Column AJ – GST on Total Professional Fees:**

Enter the Total GST amount on Professional Fees for the quarter for Partner/Senior Associate/Special Counsel/Lawyer 4-6 yrs/Lawyer 1-3 yrs/Graduate/Paralegal/Licensed Conveyancer resource levels and Secondment fees.

- **Column AK – Variance in Professional Fees Billed (calculated):**

This will **auto-calculate** the variance between the "Total Professional Fees Billed (ex GST)" and "Total Professional Fees calculated (ex GST)" for the quarter.

- **Columns AL – AO – Total Amount for each Counsel Category:**

Insert the total amount of Counsel Fees ex GST for the quarter for Junior Counsel or Senior Counsel, also indicating male and female.

- **Column AP – Total Counsel Fees Billed ex GST:**

This will **auto-calculate** the total amount billed on Counsel Fees ex GST for the quarter for Junior Counsel, Senior Counsel (including M/F).

- **Column AQ – GST on Total Counsel Fees Billed:**

Enter the total GST amount on Counsel Fees for the quarter for Junior Counsel and Senior Counsel.

- **Column AR – Disbursements - Related Entity - Billed (total amount) (ex GST):**

Insert total amount of "Related Entity" disbursements ex GST for the quarter.

**Column AS – Disbursements - Third Party - Billed (total amount) (ex GST):**

Insert total amount of "Third Party" disbursements billed ex GST for the quarter

**Column AT – GST on Disbursements:**

Enter the total GST amount on "Related Entity" and "Third Party" disbursements for the quarter.

**Sub Panel 7 Legal Support Services:**

Columns AU – BI – are similar to the above, however, for NSWLSP firms that have performed work under Sub Panel 7 Legal Support Services.

If you have any queries, please do not hesitate to contact us by emailing [legal\\_reporting@transport.nsw.gov.au](mailto:legal_reporting@transport.nsw.gov.au).

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