



Customer  
Service

# NSW Government Legal Services Panel - Customer Service Cluster

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David McGlinchey, Deputy General Counsel, Department of Customer Service

16 September 2021

[www.customerservice.nsw.gov.au](http://www.customerservice.nsw.gov.au)



# Acknowledgment of Country

I acknowledge the Traditional Custodians of the various lands on which we work today and the Aboriginal and Torres Strait Islander people participating in this meeting.

I pay my respects to Elders past, present and emerging, and recognise and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of NSW.

# AGENDA

Overview of Department of Customer Service and Legal Executive



Overview of Legal Services & outsourced work



Independent Agencies –  
Independent Pricing and Regulatory Tribunal (IPART),  
Greyhound Welfare & Integrity Commission (GWIC)



Q & A





# Customer Service Cluster



**Effie Chen**  
Chief Audit Officer




**Emma Hogan**  
Secretary



**Jody Grima**  
Chief People Officer  
• People & Culture



**Lauryn Bae Brokate**  
Executive Director Secretary's Office  
• Strategy, Policy  
• Cabinet and Ministerial



**The Hon. Victor Dominello MP**  
Minister for Digital  
Minister for Customer Service



**The Hon. Kevin Anderson MP**  
Minister for Better Regulation  
and Innovation



**The Hon. Damien Tudehope MLC**  
Minister for Finance  
and Small Business



**Greg Wells**  
Deputy Secretary  
Digital NSW

Government Chief Information and Digital Officer

Whole of Government ICT investment prioritisation, coordination and assurance process

Government Technology Platforms

Cyber Security

NSW Telco Authority

Spatial Services and Surveyor General



**William Murphy**  
Deputy Secretary  
Customer, Delivery and Transformation

Whole of Government customer, behavioural insights and data analytics

Accelerating customer and digital transformation

NSW Government brand, advertising, communications, nsw.gov.au

Customer Service Cluster Delivery Unit

Births Deaths and Marriages

Premier Priorities



**Damon Rees**  
Chief Executive Officer  
Service NSW

Customer service channels for all NSW Government agencies and transactions

One stop shop for citizens and businesses across Service Centres, mobile, digital, contact centre

Transformation of customer service delivery channels

MyServiceNSW



**Scott Johnston**  
Deputy Secretary  
Revenue NSW

Revenue collection

Debt recovery

Grant administration



**Rose Webb**  
Deputy Secretary  
BRD  
NSW Business Regulation

One stop shop for regulation

Fair Trading

Liquor and Gaming NSW

Long Service Corporation

Office of Racing

Office of the Registrar General

Office of Responsible Gambling

Professional Standards Authority

Safework

Subsidise Advisory NSW



**Stephen Brady**  
Chief Operating Officer

Cluster Finance and Procurement

Legal

Audit and Risk

Governance

Workplace and Facilities

GovConnect

Corporate Planning and Performance

Cluster ICT and CTO

Property & Real Estate Commissioner

Office of the NSW Building Commissioner

State Insurance Regulatory Authority

Personal Injury Commission (PIC)

Independent Review Office (IRO)

Independent Liquor & Gaming Authority (ILGA)

Independent Pricing and Regulatory Tribunal (IPART)

Information and Privacy Commission (IPC)

Greyhound Welfare & Integrity Commission (GWIC)

Vacant



**David Chandler**  
Building Commissioner



**Adam Dent**  
Chief Executive Officer



**Judge Gerard Phillips**  
President



**Simon Cohen**  
Independent Review Officer



**Phil Crawford**  
Chairperson, Independent Liquor & Gaming Authority



**Liz Livingstone**  
Chief Executive Officer

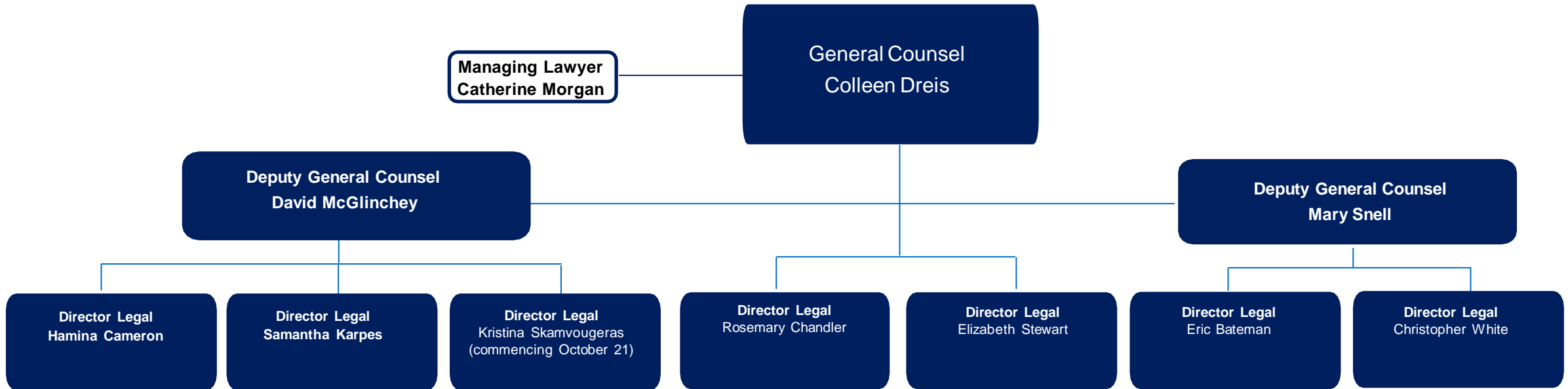


**Elizabeth Tydd**  
Information Commissioner



**Steve Griffin**  
Chief Executive Officer  
GWIC

# Department of Customer Service - Legal Executive



# Department of Customer Service – legal team areas of work

**Most legal work for the DCS cluster is undertaken in house**, including:

- Advice on legislation administered by the cluster, Government law and Government sector agency obligations , including privacy, access to information, audit and finance
- Legislative and regulatory review and reform, delegations
- Advice and representation for investigations and prosecutions, administrative law proceedings and civil litigation, as well as for enforceable undertakings.
- Corporate, commercial and digital advice, major transactions, agreements and procurement

**DCS Legal engages the legal panel to supplement its inhouse resources** primarily for corporate, commercial and digital advice, major transactions, agreements and procurement

# DCS Legal - Corporate + Commercial + Digital

- Whole of Government ICT Agreements including Google, Microsoft, Oracle, Salesforce, AWS
- Digital initiatives incorporating proof of identity and biometrics features in conjunction with Service NSW to drive streamlined, accessible, customer focussed delivery of Government services.
- Implementation and ongoing management of new ICT Whole Government Purchasing Framework MICTA/ICTA replacing Procure IT3.2.
- Spatial Services Digital Twin Programme
- Telco Authority Critical Communications Enhancement Programme and Government Radio Network Initiatives
- COVID Safe Check-in, ParkNPay
- Government Made Easy and Life Journeys Initiatives

# DCS Legal – Corporate + Commercial + Digital

- The identification and management of legal issues and risks across diverse practice areas including, corporate and shared services, complex funding and research arrangements, media services, data analytics, behavioural insights, intellectual property ownership/licensing, data sharing/data access agreements, ICT, privacy, cyber security, product development, structuring, probity and governance frameworks.
- Cluster wide procurement support including advising on NSW Government Procurement Policy Framework, appropriate contracting structure, probity and drafting/negotiating documentation.
- Advice and support for cluster agencies administering statutory or administrative compensation schemes, including drafting associated documentation



# Engagement of panel firms

**DCS Legal engages legal panel firms, with the exception of instructions on behalf of the entities listed below. These entities engage legal panel firms directly.**

- Revenue NSW (debt recovery)
- Office of the Registrar General
- Personal Injury Commission
- Independent Review Office
- Independent Liquor and Gaming Authority
- Independent Pricing and Regulatory Authority
- Information and Privacy Commission
- Greyhound Welfare and Integrity Commission

# Office of the NSW Building Commissioner (OBC)

OBC is a transformation office standing up the Residential Apartment Buildings (Compliance and Enforcement Powers) Act (RAB Act) and Design and Building Practitioners Act with Better Regulation within the Department. Legal work: contracts for course content in Construct NSW Platform; design of Occupation Certificate Audits (under the RAB Act) and design audits; enforceable undertakings.

External support current and future:

- Drafting enforceable undertaking template and advice about entry into it
- Contracts for pilot project called the Building Assurance Solution – blockchain based assurance about a building
- Procurement and contract drafting for Project Remediate – construction and finance
- Future possible area is litigation on challenges to RAB Act orders and merits review in the Land and Environment Court; arrangements relating to dealings in intellectual property; strata scheme etc.

# The Office of the Registrar General (ORG)

## Who are we?

A regulator, advisor and litigator, working to ensure the integrity of NSW's land title system.

## We regulate:

- NSW Land Registry Services



- Electronic Lodgment Network Operators (ELNOS)



## Our current reforms:

- **Paperless conveyancing:** 100% digital lodgment in NSW
- **Interoperability among ELNOs:** so that lawyers and conveyancers can transact on the ELNO of their choice
- **Digital survey plans:** to improve the quality and suitability of plans
- **Legislative updates:** Community Land Development Act; Statutory Review of the Strata legislation

## The Torrens Assurance Fund:

- **State guarantee of title:** protecting approx. \$1.8T NSW real estate
- **Mortgage fraud:** *Ippin Textiles Pty Ltd v Winau Pty Ltd* [2021] NSWSC 9, *Kumar v Registrar General* [2021] NSWSC 1103
- **Title fraud:** *Pedulla v Panetta* [2011] NSWSC 1386
- **Errors in Torrens Register**
- **General litigation:** proceedings to facilitate infrastructure projects e.g. WestConnex
- **Property disputes**
- **Administrative law proceedings**
- **Boundary determinations**

# Independent Pricing and Regulatory Tribunal (IPART)



## PRICE REGULATION

Determining maximum regulated prices for water, energy, public transport, taxi fares and local government rates and development contributions.



## LICENSING AND COMPLIANCE

Issuing licences and monitoring compliance for water and energy services to encourage competition, efficient use of resources and appropriate access to public infrastructure.



## SPECIAL REVIEWS

Recommending improved pricing, efficiency, industry structure and competition reform to support economic growth.

# Greyhound Welfare & Integrity Commission (GWIC)

- Independent regulator of the greyhound racing industry in NSW
- Commenced regulatory operations from 1 July 2018
- Approx. 70 staff across NSW
- Internal legal practice of four staff (three lawyers & one paralegal)
- Engage in regulatory legal work – internal legal advices, regulatory disciplinary action, contractual matters, criminal prosecutions, appearances at Racing Appeals Tribunal
- Outsourced legal work – GWIC outsourcing includes complex contractual matters, CSO advice for legislative and regulatory matters, DCS BRD team for GIPAA requests, legal counsel for complex regulatory matters and criminal prosecutions





# External Legal Expectations

- Real collaboration with DCS Legal and our business partners to support objectives.
- Comfortable in working with agile procurement/product development in a rapidly evolving legal and operational environment.
- Pragmatic solution focused cost effective advice and engagement team management.
- Technical expertise is presumed
- Conflict identification, disclosure and management
- Clarity on estimates/caps assumptions and real commitment to proposing alternative costing models including outcome based fees.
- Value adds

# Q&A

