



NSW Government Legal Services Panel

Information Session - Panel Firm Reporting

27 August 2021 **amended 22 February 2022**

Acknowledgement of Country

I would like to acknowledge the Traditional Custodians of the various lands on which we are each on today and the Aboriginal and Torres Strait Islander people participating in this call today.

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



Transport
for NSW



Opening remarks

Melissa Sloane, Panel Contract Manager



Panel Firm Induction – NSW Government Legal Services Panel

- The Panel was procured by competitive open tender and established on 1 July 2021
- Panel Term - 3 year initial term + 3 yr + 3 yr
- Comprise 52 panel firms.
- Panel firms are recommended for areas of law on the sub panel. If firms are recommended for one area of law on the sub panel, they will be able to perform work on all areas of law on that sub panel. This will not be considered an off panel engagement and will contribute to the activation of the volume discount threshold and application of the volume discount % saving
- Crown Solicitor's Office will work alongside the panel. Agencies have the discretion to engage CSO to perform work on any area of law at any time and this will not be considered off panel
- Covers 7 Sub Panels
 - Construction
 - Commercial Law
 - Planning, Property and Environment
 - Employment, Work Health and Safety Law
 - Government Regulatory and Administrative Law
 - Litigation & Inquiries
 - Legal Support Services
- Covers 30 Areas of Law



Panel Firm Induction - Panel Management Team

Name	Title	Email address
Sally Webb	Executive Contract Manager	Sally.webb@transport.nsw.gov.au
Melissa Sloane	Panel Manager	Melissa.Sloane@transport.nsw.gov.au
Sarah Newton	Panel Support Officer	Sarah.newton@transport.nsw.gov.au
Eleanor Ansley	Manager, Data & Reporting	Eleanor.Ansley@transport.nsw.gov.au
Dilin Kaithavana john	Business Analyst	Dilin.Kaithavanajohn@transport.nsw.gov.au



Panel Firm Induction - Published Panel Information

Who can use the Panel

- **NSW Government Agencies** whether forming part of a cluster, statutory corporation, state-owned corporation or other NSW Government business entity or Local Government body (including local councils)
- Around 250 'core' NSW Government Agencies. This will vary during the course of the panel term
- These are listed on the NSW Buy website - [Eligible NSW Government buyers | buy.nsw](#)
- They are also listed in the template monthly and quarterly reports published on NSW Buy website [NSW Government Legal Services Panel | buy.nsw](#) (for firm completion)
- Firms are required to list 'core' agencies in monthly and quarterly summary billings
- If the "core" agency cannot be found in the report, include the billings in the 'other eligible agencies' category



Panel Firm Induction - Transition of Matters

- Firms appointed to the new Legal Services Panel commencing 1 July 2021 will need to know how to bill and report matters to Agencies and Transport for NSW, as Panel Manager
- Agencies are required to advise panel firms on how matters will transition to the new Panel from a billing and reporting perspective. This is particularly important where firms were appointed to an area of law/sub panel on the previous legal services panel that lapsed on 30 June 2021 and was not appointed to the same NSWSLP sub panel that commenced on 1 July 2021
- Agency contract managers have been provided with a Transition of Matters schedule template to assist with this exercise
- Encourage panel firms to reach out to agency contract managers/agencies regarding transition of matters so that it is clear upfront how to bill and how to report as this could be different
- Email Panel Manager if you would like a copy of the Transition of Matters schedule



Panel Firm Induction - Published Panel Information

Who should I contact first?

- Panel is managed on a cluster basis
- Agency Contract Manager for the cluster will advise of cluster arrangements for:
 - Communication
 - Conflict Clearances and Probity issues
 - Value adds
 - Matter billing & monthly reporting
 - Invoice process and where to send them
 - General engagement questions
- Client Agencies will deal directly with matter specific issues
- Cluster Relationship Partner ↔ Agency Contract Manager ↔ General Counsel
- Agency Contract Manager details are listed on [NSW Government Legal Services Panel | buy.nsw](https://buy.nsw.gov.au)
- Panel managed by Transport for NSW including:
 - Monitoring overall spend
 - Measuring social procurement outcomes, pro bono and equitable briefing
 - Monitoring value adds
 - Administering customer satisfaction surveys in-house government lawyers
- Panel Relationship Partner ↔ Executive Contract Manager (Sally Webb) ↔ Panel Manager (Melissa Sloane)



Panel Firm Induction - Published Panel Information

How are firms engaged?

- Agencies will engage Panel firms directly
- Firms are required to undertake a detailed Conflicts of Interest search upon receipt of an engagement request
- The Panel Rules set out procurement rules and reporting requirements
- Competitive procurement thresholds
 - Single estimate up to \$200k ex GST
 - Three estimates if greater than \$200k ex GST
 - Sub-Panel 1 Construction and Sub Panel 3(d) statutory land acquisitions – \$400k threshold for competitive proposals
- Off-Panel engagements guideline deals with exemptions and the scope of the Panel
- Conflicts will be managed by individual Agencies
- Engagement process (refer Deed clauses 6-8) and the following:
 - Legal Services Order
 - Legal Services Deed and Annexure B Service Level Agreement



Panel Firm Induction - Published Panel Information

Information and resources

- Transport for NSW have published panel information on NSW Buy website - available at [NSW Government Legal Services Panel | buy.nsw](#)
- Webpage contains general information about using the Panel for both Agencies and Panel Firms. All the Panel documents are available to download from that page. **Documents are constantly being updated, so please use this site to obtain the most current versions**
 - Overview of the Panel
 - List of Suppliers
 - About the scheme
 - Information for buyers
 - Information for suppliers / panel firms (including reports)
 - Scheme Rules
 - Resources
- Panel information on Ansarada (secure virtual data room) - for government agency access only
 - All of the above information stored on NSW Buy website
 - Panel Firm capability information, CVs and rates
 - Value Adds



Panel Firm Induction - Reporting

- Reporting is required monthly, quarterly and yearly
- Reporting will capture:
 - Individual matter/file expenditure
 - Expenditure across the panel by Agency, sub panel, area of law and firm
 - Tracking against social procurement outcomes
 - * Aboriginal Procurement Policy
 - * Small & Medium Enterprise and Regional Policy
 - * Australian Disability Enterprises Policy
 - * Sustainability Policy
 - Pro Bono
 - Equitable briefing
 - Other performance management information
- Panel firms appointed to the previous legal services panel that expired on 30 June 2021 should note that Firm IDs, NSW Government Agency IDs, Area of Law IDs, Panel Type IDs have changed in the “dropdown list” in the respective report, so **please check and use these new IDs before you commence any reporting for FY2021/22**
- General Counsels Group (comprising the cluster General Counsels) will monitor spend and panel performance



Panel Firm Induction – Reporting Index

- Reporting requirements are outlined in the Service Level Agreement (Annexure B to the Deed), Clause 3.1
- Report templates are uploaded to the **NSW Buy Website > NSW Government Legal Services Panel How to Supply > Reporting > Index of Reports**

Index of reports:

1. Monthly invoice report
2. Quarterly agency billing summary report
3. Quarterly legal advice report (provided to individual agencies within the Transport cluster only (TfNSW, NSW Trains, Sydney Metro, Port Authority of NSW, Sydney Trains, Transport Asset Holding Entity (TAHE))
4. Quarterly volume discount report
5. Annual counsel briefed report (to comply to Equitable Briefing Policy)
6. Annual value adds report
7. Annual assurance of compliance report
8. Annual pro bono services
9. Annual social outcomes – Aboriginal Procurement Policy
10. Annual social outcomes – Gender Diversity
11. Annual social outcomes – SME & Regional Businesses Policy
12. Annual social outcomes – Australian Disability Enterprises Policy
13. Annual social outcomes – Sustainability Policy



Panel Firm Induction - Reporting

Report	Provided to	When		
		Monthly	Quarterly	Annually
1.Monthly invoice report	Panel firm provides this report to each agency where there have been billings for the previous month. The report should mirror the billing information that is on the invoice. If the firm is not billing for the month, please submit a “nil” return. Check with the agency contract manager as to where invoices can be sent or check the Legal Services Order Form for invoice instructions. This report is not cumulative	7th of each month		
2.Quarterly agency billing summary report	Panel firm provides this report to the Panel Contract Manager legal_reporting@transport.nsw.gov.au. The invoice billing data will include the total of invoice billings for the quarter where the panel firm has been engaged by a NSW Government agency whether forming part of a cluster, statutory corporation, state-owned corporation or other NSW Government business entity or Local Government body (refer to Eligible NSW Government Buyers list on NSW Buy and the dropdown tab in the report). This report is not cumulative. If the firm is not billing for the quarter, please submit a “nil” return.		Quarter by 7th October, January, April and July	
3. Quarterly legal advice report (for Transport Cluster agencies only)	Panel firm provides the legal advice report specific for each agency within the Transport cluster to the respective agency. For example, legal advice report consolidated for Sydney Metro will be provided to the agency contract manager for Sydney Metro only and not to each agency within the Transport cluster (TfNSW, Sydney Trains, NSW Trains, Sydney Metro, Port Authority of NSW, STA, TAHE). If the firm does not have any legal advices to report for the quarter, please submit a “nil” return.		Quarter by 7th October, January, April and July	
4. Quarterly volume discount report	Panel firm provides this report to the panel manager – legal_reporting@transport.nsw.gov.au It includes all eligible billings to NSW Government Panels, Schemes and Contracts that contribute to the activation and application of volume discounts (and savings). The report is for the respective quarter and NOT cumulative. If the firm is not billing for the quarter, please submit a “nil” return. Please note that the report has to be completed even if your firm has not reached the volume discount threshold (Columns A – J).		Quarter by 7th October, January, April and July	



Panel Firm Induction - Reporting

Report	Provided to	When		
		Monthly	Quarterly	Annually
5. Annual counsel briefed report	Panel firm provides this report to the panel manager – legal_reporting@transport.nsw.gov.au . It includes all indirect counsel engagements by panel firms on behalf of a NSW Government agency whether forming part of a cluster, statutory corporation, state-owned corporation or other NSW Government business entity or Local Government body. If the firm has not engaged counsel on behalf of an Agency, please submit a “nil” return. <i>Note: Local Councils do not have to comply with Senior Counsel Policy, hence, firms do not have to include these counsel engagements in reporting. We do, however, encourage good practice.</i>			By 7th July each year
6. Annual value adds report	Panel firm provides this report to the panel manager – legal_reporting@transport.nsw.gov.au . It includes all value adds provided by panel firms to a NSW Government agency whether forming part of a cluster, statutory corporation, state-owned corporation or other NSW Government business entity or Local Government body. If the firm has not provided value adds, please submit a “nil” return.			By 7th July each year
7. Annual assurance of compliance report	Panel firm provides this report to the panel manager – legal_reporting@transport.nsw.gov.au .			By 7th July each year
8. Annual pro bono services	Panel firm provides this report to the panel manager – legal_reporting@transport.nsw.gov.au . If the firm has not provided any pro bono services, please submit a “nil” return.			By 7th July each year
9-13. Annual Social Outcomes - Aboriginal Procurement Policy - Gender Diversity Policy - SME & Regional Business Policy - Australian Disability Enterprises Policy - Sustainability Policy	Panel firm provides this report to the panel manager – legal_reporting@transport.nsw.gov.au			By 7th July each year



Panel Firm Induction - Regular reporting

Monthly Invoicing Report

- Monthly reporting contains previous month's billings and mirrors the invoice being issued. Worksheet should be completed for each matter that is billed under the NSW Government Legal Services Panel arrangement. **It also includes previous panel matters and off panel matters**
- New row must be completed for each invoice
- Auto-calculate fields are in grey and are not required to be completed
- Where an invoice is cancelled, the invoice may be reissued, however, the following monthly report should include an invoice reversal in negative values (in the 'Billings' columns and complete Column E of the monthly report with 'Y') for the invoice cancelled. Please also ensure a credit note is issued and provided with the monthly report submission. The report should also include the details for the new invoice issued
- Monthly report is due by 7th of the month. All billing data for the previous month must be provided in monthly invoice report
- Agency Monthly reports and invoices are sent to respective Agency Contract Managers or where the agency or Legal Services Order has instructed these be sent. Encourage firms to reach out to Agency Contract Managers before issuing any reports or invoices to agencies

Invoices paid by a third party or Insurer

Where panel firms issue an invoice in:

1. an agency's name (and the tenant pays the government's/landlord's legal costs in a matter, e.g. in a commercial property lease); or
2. in the tenant's name (where they are not a government agency or business entity, statutory corporation, state-owned corporation or local government body) in order to cover the government's costs
3. an agency's name (and paid by an insurer)

Select 'Y' in Column 'D' of the Monthly Matter Invoice Report if the invoice is being paid by a third party or insurer

- Queries relating to monthly reporting can be directed to legal_reporting@transport.nsw.gov.au



Panel Firm Induction - Regular reporting

Quarterly Agency Billing Summary Report

- Panel firms provide a Quarterly Report to Panel Manager which contains billings for the previous 3 months for all matters billed to a government agency or business entity, statutory corporation, state-owned corporation or local government body) this includes billings related to the previous panel, panel or off panel. Monthly billings for each agency should equal the billings in the quarterly report for that agency (**less third party or paid by insurer billings – see information in slide above**).
- The billings from the quarterly report are used to report to the General Counsel Group, Procurement Board, Procurement Leadership Group and are publically released in an annual report. The accuracy of this data is **extremely** important
- Report includes breakdown of cost type, Professional fees, Counsel fees, Disbursements (if applicable)
- Quarterly report has been updated. **Panel firms are now required to report off panel billings**
- Firms appointed to Sub Panel 7 must only complete the Sub Panel 7 Billing Quarterly section of the report
- Quarterly and Annual reporting is sent to Panel Contract Manager (legal_reporting@transport.nsw.gov.au)
- Queries in relation to quarterly reporting can be directed to Eleanor.Ansley@transport.nsw.gov.au



Panel Firm Induction - Regular reporting

Quarterly Volume Discount Report

- Panel firms provide a Quarterly Volume Discount Report to Panel Manager which contains billings for the previous 3 months in relation to all panel firm billings to NSW Government Panels, Schemes and Contracts (i.e. NSW Government Legal Services Panel, NSW Government Rural & Regional Panel, NSW Government iCare Panel and Other NSW Government Panels or Engagements ex. GST)
- Panel firms are required to review the Deed:
 - billing **inclusions** and **calculation dates** for the NSWLSP, iCare Panels and all other Panels, Schemes and Contracts
 - **thresholds** and **discounts** to apply
 - exclusion for the purposes of **activating** and **applying** a volume discountA Volume Discount Guidance Note has also been issued to provide further clarification
- Once the volume discount threshold has been reached, the **volume discount saving** is only applied to **NSW Government Legal Services Panel** and the **iCare Panel** in line with NSWLSP Deed and iCare Deeds in relation to volume discount application.
- The volume discount report is for the respective quarter and **NOT** cumulative and will be used to report to the General Counsel Group, Procurement Board and Procurement Leadership Group on savings being achieved on the **NSW Government Legal Services Panel** and the **iCare Panel**. **Again, the accuracy of this data is extremely important**
- **Volume discount amount needs to be included as a separate line on the invoice (not embedded in the hourly rates)**
- Queries in relation to reporting can be directed to Eleanor.Ansley@transport.nsw.gov.au.



Panel Firm Induction - Volume Discounts

Exclusions for Activation

- Core legal engagements with Crown Solicitor's Office
- Third Party disbursements, but not related entity disbursements
- Counsel fees

Exclusions for Application

- Third party disbursements, but not related entity disbursements
- Fees that are fixed by legislation
- Off-Panel engagements
- Counsel fees
- Secondments
- Previous Panel Engagements
- Core legal engagements with Crown Solicitor's Office

Volume Discount Thresholds and Discounts

- \$1,000,000 2%
- \$10,000,000 3%
- \$50,000,000 4%
- \$75,000,000 5%

Clarification on invoices being paid by a third party and how these are managed in relation to volume discounts

- Services for which an invoice is issued in the agency's name and reimbursed by the tenant (to pay the government's costs) **will be included in calculating and activating the threshold for a volume discount. Once the volume discount threshold is reached, application of the volume discount should be applied.**
- Services for which an invoice is issued in the tenant's name (where they are not a government agency or business entity, statutory corporation, state-owned corporation or local government body) in order to cover the government's costs **will not be included in calculating and activating the threshold for a volume discount. However, once the volume discount threshold is reached, a tenant will only be asked to pay the costs at the discounted rates.**



Panel Firm Induction - Reporting Walk through

- [Monthly Invoice Report](#)
- [Quarterly Agency Billing Report](#)
- [Quarterly Volume Discount Report](#)



Tips for new Firms to the Panel

Prepared for

NSW Government Legal Services Panel

Prepared by

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This address represents a brief summary of the law relating to the issues raised and should not be relied on as a substitute for professional advice. Specific legal advice should always be sought in relation to any particular circumstances and no liability will be accepted for any losses incurred as a result of reliance on this address by those relying solely on this address.



Creating Sustainable Value



Automation is key

- Set up different matter types/codes for each area of law
- Create matter opening instructions or tool to assist with matter opening
- Link agencies to a parent client
- Reporting where firm is also on iCare panel
- Data fields collected on matter opening
 - Agency matter ID (e.g LEX ID)
 - Expenses type (CAPEX or OPEX)
 - Usual items such as PO and internal contact
- Data field for counsel briefed



Value add annual reporting

- Create separate administration matters for each agency
- Education of lawyers to record their value add contributions in real time



Volume discount reporting

AB	AC	AD	AE	AF	AG	AH	AI	AJ	AK
Fees - Paralegal (hourly rate)	Fees - Paralegal (total amount)	Fees - Licensed Conveyancer (hours)	Fees - Licensed Conveyancer (hourly rate)	Fees - Licensed Conveyancer (total amount) ex GST	Fees - Secondments (ex GST)	Total Professional Fees (calculated) (ex GST)	Total Professional Fees Billed (ex GST)	Total Professional Fees GST (GST ONLY)	Variance in Professional Fees Billed (calculated)
\$150.00	\$150.00	2.00	\$150.00	\$300.00	\$1,000.00	\$11,000.00	\$9,500.00	\$950	-\$1,500.00
	\$0.00			\$0.00		\$0.00			\$0.00
	\$0.00			\$0.00		\$0.00			\$0.00
	\$0.00			\$0.00		\$0.00			\$0.00
	\$0.00			\$0.00		\$0.00			\$0.00
	\$0.00			\$0.00		\$0.00			\$0.00



This was a presentation by David Fischl and Charlotte Salotti of Hicksons.

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Creating Sustainable Value



Thank you and Questions

- Thank you for joining us
- Please forward your questions to:

 legal_reporting@transport.nsw.gov.au
- Questions will be reviewed and responded to
- Responses to questions will be included in an FAQ, emailed to you and uploaded on NSW Buy website

[NSW Buy website](#) > [How to Supply](#) > [FAQs for Suppliers](#) > [Panel firm related questions](#)