

Panel established 1 December 2020 Panel membership as at 9 December 2022	Area of Law 1: Care Litigation (child protection)	Area of Law 2: Audits & Civil Claims (personal injury)	Area of Law 3: Prosecutions (criminal, administrative, special jurisdiction, District Court)	Area of Law 4: Property & Conveyancing (conveyancing)	Area of Law 5: Commercial & Construction (contractual, construction)	Areas of Law
AJHLAW			Y			1
Alexandria Law	Y					1
AustraLaw (Kelso)		Y				1
Barry Saunders	Y	Y				2
Bartier Perry				Y	Y	2
Bartley Lawyers		Y				1
Bill Boulton	Y					1
Blomfield Legal			Y			1
Bower Wood				Y		1
Care Legal	Y	Y				2
Carroll & O'Dea Lawyers		Y				1
Carty and Cox Solicitors	Y		Y			2
Cheney Suthers Lawyers			Y			1
Clark Rideaux Solicitors			Y			1
Commins Hendriks				Y	Y	2
Connolly Legal		Y				1
Conrad Curry	Y					1
DMS Lawyers DS	Y					1
DMS Lawyers SS	Y	Y				2
Donaldson Law		Y				1
Ellis McLachlan	Y					1
Farrell Goode			Y			1
Ferguson Legal Solicitors	Y					1
Fletcher Commercial Lawyers Pty Ltd				Y	Y	2
Foat Roberts	Y	Y				2
Foot Law & Co				Y		1
Geoffrey Langford			Y			1
Hall & Wilcox				Y	Y	2
Hanna Lawyers			Y			1
Harper Legal NB	Y	Y				2
Harper Legal RH	Y	Y				2
Harrods and Associates	Y					1
Heard McEwan Legal				Y		1
Hewitson & Associates	Y					1
Holding Redlich				Y	Y	2
Hosking Legal	Y	Y				2
Houston Dearn O'Connor			Y			1
Hunt & Hunt			Y	Y	Y	3
Hunter Councils Legal Services (LGL)				Y	Y	2
James McCaffrey & Associates	Y					1
John Dawson & Associates BS	Y	Y				2
John Dawson & Associates JD	Y					1
John Ticehurst & Co	Y					1
Johnson Horsley Lawyers	Y	Y				2
JPM Legal AM	Y					1
JPM Legal JM	Y					1
JPM Legal KK	Y					1
JR Lawyers	Y					1
JWP Lawyers	Y					1
Kaberry Family Law	Y					1
Karen Peters Lawyer	Y					1
Kathryn Renshall Lawyers KG	Y					1
Kathryn Renshall Lawyers KR	Y					1
Kelly Stanford	Y					1
Kells Lawyers			Y	Y		2
Keystone Lawyers					Y	1
Kirklaw (Kirkeby)	Y					1
Krstina Wool Lawyer	Y					1
Lamond Legal			Y			1
LawLab				Y		1
Lawyers for You		Y				1
Leahy Lawyers			Y			1
Leanne Wells Solicitor	Y					1
Legal HQ		Y				1

LK Legal	Y					1
Maddocks				Y	Y	2
Maier Legal			Y			1
Makinson d'Apice Lawyers			Y	Y		2
Mannion Lawyers	Y					1
Marina Voncina	Y					1
Mark Whelan Lawyer	Y					1
Marsdens Law Group				Y	Y	2
McCullough Robertson				Y	Y	2
McIntosh McPhillamy Services	Y			Y	Y	3
Mills Hebbard Moore			Y			1
MJO Legal				Y		1
Moin Morris Schaefer	Y					1
Moray & Agnew Newcastle				Y	Y	2
Morrissey Legal					Y	1
NLS Law	Y	Y				2
O'Neills Law			Y			1
Osborne Legal	Y					1
Pennicott Weir Lawyers	Y					1
Peter Braine	Y					1
Phillip Antonuccio & Associates	Y	Y				2
Phillip Mulherin	Y					1
Rafton Family Lawyers CY		Y				1
Rafton Family Lawyers TM	Y					1
Redenbach Legal				Y	Y	2
Reid Legal		Y				1
Riverside Legal	Y					1
RMB Lawyers				Y	Y	2
Robertson Solicitors	Y					1
Ross A Clarke and Associates	Y					1
Rowley & Associates Solicitors	Y					1
Sharon Moore	Y	Y				2
Shaun Cockle Legal	Y					1
Sheridan Legal			Y	Y		2
SMD & Associates		Y				1
Smythe Wozniak Lawyers			Y			1
SP Nasti & Co	Y					1
Sparke Helmore Lawyers			Y	Y	Y	3
Susan Leis Barrister	Y		Y			2
SVW Legal	Y					1
SWS Lawyers			Y	Y	Y	3
T & N Amos	Y					1
Thompson Wheelahan & Hampshire	Y					1
Timothy Hemsley & Associates	Y					1
Triple 888 Conferencing		Y				1
VL Hall Lawyer	Y					1
Walsh & Blair Lawyers				Y		1
Warwick McCarthy & Co Solicitors			Y			1
112	60	23	23	25	18	149

Explanation of Areas of Law

1 Area of Law: Care Litigation

1.1 About Department of Communities and Justice (DCJ)

DCJ is the largest child protection agency in Australia. DCJ delivers services to some of the most disadvantaged individuals, families and communities in the State of New South Wales. DCJ's purpose is to help create a safe, just, resilient and inclusive NSW in which everyone has the opportunity to realise their potential.

DCJ supports the safety and wellbeing of vulnerable children, young people and families and provides a range of community support to improve wellbeing, increase community participation, and promote social inclusion and cohesion.

DCJ works to protect our most vulnerable children from abuse and neglect. These child protection services are provided through a network of 16 districts and 80 Community Services Centres throughout NSW. In fulfilling its role, DCJ works in close collaboration with other government departments, non-government organisations (NGOs) and the community.

Care Litigation is a legal practice area within DCJ Legal. There are two care litigation teams, each servicing different geographic areas of the State (i.e. the North & West Child Law Litigation Team and the Metro & South Child Law Litigation Team).

1.2 Services

There are a number of different types of care applications and proceedings that can be brought under the *Children and Young Persons (Care and Protection) Act 1998 (NSW) (Act)*. The orders sought can include emergency care and protection orders, initiating care applications, section 90 applications, applications for guardianship orders, contact applications, and applications for parent capacity orders. The Secretary is legally represented in each of these applications.

Some applications can only be made by the Secretary (for example, applications for care orders under s 61 of the Act). Other applications can be brought by the Secretary or a third party with appropriate standing (for example, see ss 79B, 86, 90 and 116 of the Act). These applications are generally brought in the Children's Court of New South Wales. However, in some circumstances, applications for parenting orders may also be brought by the Secretary in the Family Court of Australia and the Federal Circuit Court.

Following the conclusion of such matters the child or young person may (depending on the nature of the final orders issued by the Court) come into the parental responsibility of the Minister for the specified period of time. At this time, DCJ is required to ensure that the Minister's statutory duties are discharged.

As part of its appointment to the Care Litigation Sub-Panel, the Service Provider will be required to assist DCJ in ensuring that the Secretary and Minister's statutory duties are discharged. This will primarily be by representing the Secretary in care proceedings before the Children's Court of NSW.

When a final care order is appealed to the District Court or Supreme Court, DCJ will ordinarily instruct the Crown Solicitor to appear for the Secretary as this work is general classified as core legal work. Similarly, complex Children's Court matters are also classified as core legal work and must be referred to the Crown Solicitor.

Representation of the Secretary in care applications and proceedings may be briefed to external legal Service Providers (including the Crown Solicitor's office), in whole or in part (for

example, in respect of one or more mentions or for hearing). Where practicable, DCJ will endeavour to ensure appropriate continuity of legal representation.

By way of indication only, the Services likely to be required of Service Providers under the Care Litigation Sub-Panel will include:

- (a) All work associated with an initial mention before the Children's Court, including reviewing documentation and instructions, providing advice, attending court, and preparing court outcome reports for DCJ
- (b) All work associated with any subsequent mentions, including reviewing instructions, providing advice, preparing and/or settling documents (including subpoenas), attending court, and preparing court outcome reports for DCJ
- (c) Acting as the agent of the Secretary on a list day
- (d) Preparing for all aspects of any interim hearings
- (e) Preparing for all aspects of any establishment or disposition hearings
- (f) Undertaking advocacy at hearings before the Children's Court
- (g) Undertaking advocacy at dispute resolution conferences or other alternative dispute resolution processes, including preparation for same.

2 Area of Law: Audits and Claims

2.1 Description

Service Providers will be responsible for performing, at their own cost, all services and incidental functions and activities that are required for the proper and due performance and provision of the Services to DCJ.

Prior to a child or young person leaving the parental responsibility of the Minister, DCJ undertakes an assessment and audit of the child or young person's files (on the basis of all available documentation relating to that child or young person) to identify whether the child or young person has any right, entitlement or interest that should be pursued and protected including any potential claim against any third party, including the State, in any jurisdiction.

Appointment to the File Audit and Civil Claims Sub-Panel will require the Service Provider to assist DCJ in discharging this responsibility. This includes:

- (a) Undertaking a detailed audit of all files relating to children and young persons in the parental care of the Minister (including recent care leavers – that is, a child or young person who was formerly under the parental responsibility of the Minister)
- (b) Providing advice to DCJ on the broad range of potential legal rights or entitlements the child or young person may have, including any potential claims against third parties, including the State

If an audit reveals the existence of such a potential claim or entitlement, DCJ may instruct the Service Provider, or another service provider, to assist in the preparation of an appropriate application or claim. While there are a number of possible types of claim which may be identified (such as motor vehicle accident claims, family provision claims, interests in a deceased estate or superannuation fund, and claims against the State), historical data indicates that the vast majority of these claims are ordinarily in relation to a claim for victim's support.

2.2 Specific activities

By way of indication only, the Services likely to be required of Service Providers under the Audits and Claims Sub-Panel will include all work:

- (a) Associated with auditing all available files and information relating to a child or young person under the parental responsibility of the Minister or a recent care leaver
- (b) Required to identify potential legal entitlements in any jurisdiction on behalf of that child or young person
- (c) Associated with providing a detailed legal advice to identify potential legal entitlements, and advise on the merits of any claims or actions
- (d) Where instructed, associated with preparing certain claims, particularly in respect of Victims Support applications
- (e) To ensure the receipt, secure storage, tracking and return of hard copy files.

3 Area of Law: Prosecutions

3.1 About TfNSW Prosecutions

The Prosecutions Unit is responsible for the delivery of TfNSW prosecutions and appeals at any of the Local and District Courts in NSW. The unit is comprised of experienced administrative staff and 16 experienced advocates and solicitors who appear on behalf of TfNSW in those NSW Local and District Courts. The unit manages a myriad of matters ranging from, but not limited to administrative appeals and criminal prosecutions in the Local Court, to appeals in the District Court from a conviction and sentence imposed in the Local Court.

On average, the Prosecutions Unit manages and appears in between 400-500 matters each week spread across NSW.

All Prosecutors adhere to the Office of the Director of Public Prosecutions (ODPP) guidelines, the *Legal Profession Uniform Law (NSW)* and the *Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015 (NSW)*.

3.2 Services

The most common type of matter that the Prosecutions Unit appears in are driving licence appeals. These are heard and determined in the Local Court following a decision made by TfNSW to vary, suspend or cancel a driver licence based on a number of factors, the most common being an accumulation of demerit points (for provisional drivers only), excess speed, a refusal to issue a licence, failing a driving test, drug offences, medical reasons and alcohol interlock matters. Another common appeal is against the suspension and cancellation of an Examiners Authorised Inspection Scheme Authority.

The Prosecutions unit also appear in offences:

- (a) That are detected under the *Heavy Vehicle National Law (NSW) (HVNL)*. These offences are typically Mass, Loading and Dimension, fatigue and safety related non-compliance pertaining to heavy vehicles and are detected at the various NSW Heavy Vehicle Safety Stations, risk based enforcement and random road side inspections
- (b) All defended camera detected hearings, speed, red light, bus lane offences including the Mobile Phone Camera Detection Program. For some

programs Prosecutions will appear in camera detected matters from the first mention date

- (c) District Court for conviction and sentence appeals from the decisions of the Local Courts
- (d) Toll court elections
- (e) Mass and dimension camera detected offences
- (f) Criminal prosecutions detected by the Investigations unit and Licence integrity scheme.

By way of indication only, the Services likely to be required of Service Providers under the Sub-Panel will include:

- (a) All work associated with an initial mention before the court, including reviewing documentation and instructions, providing advice, attending court, and preparing court outcome reports for TfNSW
- (b) All work associated with any subsequent mentions, including reviewing instructions, providing advice, preparing and/or settling documents (including subpoenas), attending court, and preparing court outcome reports for TfNSW
- (c) Acting as the agent of Transport for NSW on a list day
- (d) Preparing for all aspects of any mentions or defended hearings
- (e) Providing advice on reasonable prospects on conviction, or in response to legal representations
- (f) Undertaking advocacy at hearings before the Local and District Court.

4 Area of Law: Property Acquisition

4.1 About TfNSW Property Acquisition

TfNSW is empowered to acquire property for infrastructure projects under the *Roads Act 1993*, using the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*. TfNSW acquires property generally by agreement and execution of contracts of sale however may also use its powers of compulsory acquisition to finalise matters.

Property & Acquisition branch service Regional and Rural areas across NSW with offices established in a number geographical locations including, Grafton, Newcastle, Parkes, Wagga Wagga and Wollongong. These geographic hubs require the services of a panel of Service Providers to perform conveyancing and associated services to satisfy Regional and Rural operational needs. Most services will require the Service Providers to perform all tasks for the conveyance of real property from preparation of contract documents to registration of transfer and, if applicable, handover of title documents.

In accordance with TfNSW practice, Service Providers will be required to prepare contract documents for both purchase and sale and leasing or licencing of land.

Property & Acquisition is focussed on providing land and property related expertise for a diverse range of infrastructure corridors and projects in a timely manner to meet project milestones to support the government's infrastructure commitments. These

services are provided through a network of Regional and Rural offices throughout NSW. In fulfilling its role, Property & Acquisition operates in close collaboration with numerous stakeholders including other government departments, non-government organisations (NGOs) and the community.

4.2 Services

By way of indication only, the Services likely to be required of Service Providers under Property Acquisition (conveyancing) will include:

(i) Preparing, negotiating the terms of and advising on:

- (a) Contracts for the whole or part purchase or sale of land
- (b) Documents creating and releasing easements and covenants
- (c) Leasing and licensing agreements for all property types
- (d) Deeds for the creation, purchase and retirements of biodiversity offset credits
- (e) Deeds to release occupants, lessee's and other interest in land
- (f) Instruments and dealings in accordance with the *Conveyancing Act 1919*, the *Real Property Act 1900*, *Retail Leases Act 1994*, *Community Land Development Act 1989*, *Strata Schemes (Freehold Development) Act 1973*, *Biodiversity Conservation Act 2016* and the *Biodiversity Conservation Regulation 2017* and other relevant legislation
- (g) Draft and amend contract special conditions as appropriate to protect TfNSW interests.

(ii) Providing general property advice.

The services will not involve the provision of advice in respect of the following areas of law, unless otherwise agreed by the TfNSW and the Service Provider at the time instruction, or those areas are ancillary to the services to be provided (instead refer section 9 Area of Law: Commercial):

- (a) Heritage planning and protection
- (b) Contaminated land
- (c) Pollution control
- (d) Environmental and planning.

Service Providers must, however, have sufficient expertise in each of the above areas to be able to identify and advise on those issues should they arise in the course of providing the services.

Particulars of the services required in relation to each matter will be provided when instructions are issued.

TfNSW will provide standardised contracts, special conditions and deed templates to be used by the Service Provider. Notwithstanding the Service Provider may be required to provide alternate templates upon request by the agency.

The Service Provider should demonstrate its understanding of general conveyancing practices, including but not limited to, property searches and enquiries, PEXA and post settlement actions. The Service Provider should also demonstrate the ability to report progress and status of matters undertaken.

5 Area of Law: Commercial

5.1 About Department of Planning, Industry & Environment (DPIE)

Hunter and Central Coast Development Corporation (HCCDC) is part of Department of Planning, Industry and Environment. It aims to strengthen global gateways to the Hunter and Central Coast by creating diverse and sustainable regional economies, with vibrant communities and leading metropolitan cities at their hearts.

HCCDC works to create vibrant places with great spaces, provide more employment opportunities and more housing.

It does this by managing NSW Government's significant investment in the development of these areas, unlocking complex challenges, and working in collaboration with government agencies, councils and key stakeholders.

5.2 Services

(i) Commercial and contractual matters:

- (a) Professional Services and consultancy agreements
- (b) MoU's and inter-agency agreements
- (c) Licences
- (d) Funding agreements and grants
- (e) Tendering and Procurement
- (f) General commercial drafting
- (g) Other general commercial advice.

(ii) Property, Planning and construction matters:

- (a) General property law advice, dealings and transactional work
- (a) Complex property law advice, dealings and transactional work
- (b) Environmental and planning
- (c) Heritage planning and protection
- (d) Property development advice and agreements
- (e) Construction agreements.