



NORTHERN TERRITORY LEGAL SERVICES LIST
Application for Inclusion
Part 1 – Important Information and Guidance for Applicants

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Terms, abbreviations and acronyms	
The following terms, abbreviations and acronyms are used in this document	
AGD	The Department of the Attorney-General and Justice (or any substituted department, agency or statutory body)
Agencies	Refer clause 2.1
Applicant	Any person or entity making an application to be included on the NTLSL
Application for Inclusion or AFI	The three part document, consisting of: Part 1 - Important Information and Guidance for Applicants (this document); Part 2 - The Application for Inclusion Form; and Part 3 - The NTLSL Deed
Application for Inclusion Form	Part 2 of the Application for Inclusion, being the “Application for Inclusion Form”
NTLSL	Northern Territory Legal Services List
NTLSL Deed	Part 3 of the Application for Inclusion, being the “NTLSL Deed”
NTLSL Information System	The internal intranet site of the NTLSL available to Agencies for obtaining information regarding Service Providers on the NTLSL which is to be established by the Territory.
NTLSL Website	The public website operated by AGD for matters regarding the NTLSL - see Contact and Lodgement Details in Section 7 of this document for web address
Procurement Framework	Defined in the NTLSL Deed
Service Providers	Applicants who have been successful in inclusion on the NTLSL
SFNT	Solicitor for the Northern Territory, established pursuant to section 8 of the <i>Law Officers Act</i>
Territory	The Northern Territory of Australia (the body politic), ie the Northern Territory Government; also refer clause 2.1, and

Terms, abbreviations and acronyms

The following terms, abbreviations and acronyms are used in this document

	defined in the NTLSL Deed
Part 1	This document, Part 1 Important Information and Guidance for Applicants
Part 2	The Application for Inclusion Form
Part 3	The NTLSL Deed

These documents are based on material sourced from the Office of Legal Services Coordination in the Commonwealth Attorney-General's Department. The Northern Territory Government gratefully acknowledges the Office of Legal Services Coordination for allowing use of that material.

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1 IMPORTANT INFORMATION AND GUIDANCE FOR APPLICANTS

1.1 Scope of this document

This **Part 1 - Important Information and Guidance for Applicants** document contains important information for Applicants and guidance on how to submit an Application for Inclusion on the Northern Territory Legal Services List (NTLSL).

A Guide to Terms and Abbreviations is included at the start of this document.

There are two further parts to the Application for Inclusion documents, **Part 2 - Application for Inclusion Form** and **Part 3 - NTLSL Deed**.

Part 1, Part 2 and **Part 3** are together referred to as the “Application for Inclusion”.

This **Part 1 - Important Information and Guidance for Applicants** consists of the following sections describing:

- 2 - Background and general information on the NTLSL;
- 3 - Lodging Applications for Inclusion;
- 4 - Conditions for Participation and guidance on completing the Application for Inclusion Form;
- 5 - Additional information and matters concerning applications for inclusion;
- 6 - Applicant check list; and
- 7 - Contact and Lodgement Details.

2 Background and general information on the NTLSL

2.1 Statement of Requirement

The Northern Territory of Australia (Territory) requires a broad range of legal services to meet the operational and administrative requirements of its various departments, agencies and statutory bodies (Agencies).

Legal services are provided from both in-house sources (the Solicitor for the Northern Territory (SFNT)) and external sources, with the demand for, and nature of, the services required varying from Agency to Agency and over time.

The Territory, through the Department of the Attorney-General and Justice (AGD), has established the whole-of-government Northern Territory Legal Services List (NTLSL) to enhance the management and delivery of legal services to the Territory and its Agencies. The NTLSL is managed by the AGD on behalf of the Territory and all Agencies.

The objectives and advantages of the NTLSL include:

- reducing barriers to entry into the Territory government legal services market;

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- gathering and disseminating information as to the performance of Service Providers in the provision of legal services to the Territory and its Agencies; and
- supporting Territory Agencies in their ongoing function as informed purchasers of legal services.

Broadly, the legal services required by the Territory through the NTLSL fall into the following categories of legal work:

- Commercial Law;
- Litigation; and
- all other legal services.

The above categories of legal work do not include the services of Counsel. Counsel will be engaged via procurement methods outside of the NTLSL (although it is possible that in the future Counsel will be included in the NTLSL or on a similar list).

The nature of government work in the Northern Territory jurisdiction means that certain work, including whole of government, sensitive or strategic matters, will always be done in-house by the SFNT for reasons including Cabinet requirements, confidentiality or sensitivity of matters, urgency, and specialist corporate knowledge or expertise.

However, the Territory will also purchase legal services from external sources, including Service Providers on the NTLSL.

Appointment to the NTLSL does not guarantee that any legal services or any volume of legal services will be ordered by the Territory.

2.2 About the NTLSL

The NTLSL is established, and maintained, in accordance with the Territory's Procurement Framework, discussed below.

The NTLSL is managed by the AGD, on behalf of the Territory and its Agencies.

The NTLSL includes a list of Service Providers who have pre-qualified by applying for, and satisfying, the conditions for participation at clause 4.1, to provide legal services to the Territory in their nominated categories of legal work.

Applicants seeking to be included on the NTLSL will be required to provide evidence demonstrating their capacity to meet all of the conditions for participation, details of which are provided for below. Applicants who are assessed as meeting the conditions for participation will then be included on the NTLSL.

No assessment of value for money will be made at the time of inclusion on the NTLSL. A value for money assessment of individual Service Providers will be undertaken as part of the order process for specific legal services.

When an Applicant is successfully added to the NTLSL, there will be a head agreement in the form of the NTLSL Deed (at **Part 3 of the Application for Inclusion**) between the Territory as represented by the AGD and each successful Applicant. The NTLSL Deed standardises the terms that apply to all Service Providers of legal services to the Territory.

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For that reason, the terms of the NTLSL Deed are not negotiable.

Clause 4 of the NTLSL Deed outlines the process for purchasing legal services from Service Providers on the NTLSL.

The operation of the NTLSL conforms with the Territory's Procurement Framework. The initial establishment of the NTLSL is through a public tender process. On completion of the tender process, the NTLSL is established with an initial panel of prequalified Service Providers. From this point, new Service Providers can be added to the panel through the Application process described in these AFI documents. The panel contract arrangement will not expire, and will continue indefinitely, for as long as the Territory continues to run the NTLSL.

Once a Service Provider is added to the NTLSL, the Service Provider is prequalified for the Territory (through an Agency) to procure services directly from that Service Provider. Each time the Territory actually engages the services of a particular Service Provider on the NTLSL, the order process will vary according to the nature of the matter and the estimated value of the legal services in the particular matter.

For example: the Territory may engage the Service Provider on the basis of a single quote, or may choose to obtain quotes from a number of separate Service Providers before engaging one; or the Territory may undergo a mini-tender process.

This order process is described in the NTLSL Deed and Operational Rules.

Further information about the NTLSL, and the provision of legal services to the Territory Government will be provided at the NTLSL Website listed in the Contact and Lodgement Details in clause 7.

Information about the Northern Territory Government's Procurement Framework is listed in the Contact and Lodgement Details in clause 7.

3 Lodging Applications for Inclusion

3.1 How to Apply for Inclusion on the NTLSL

The process for applying for inclusion on the NTLSL is set out below:

- Go to the NTLSL Website listed in the Contact and Lodgement Details in clause 7.
- **Download** Parts 1, 2 and 3 of the Application for Inclusion.
- **Complete and sign** the **Part 2 - Application for Inclusion Form** and include all attachments, including referee reports, insurance certificates of currency or equivalent and any CVs.
- **Complete and sign** two copies of **Part 3 – NTLSL Deed** of the Application for Inclusion (the NTLSL Deed).
- **Email** the **Part 2 - Application for Inclusion Form** (including attachments) and the **Part 3 - NTLSL Deed** to the email address set out in the Contact and Lodgement Details in clause 7, as set out below:

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- The completed and signed **Part 2 - Application for Inclusion Form** should be provided in PDF format **and** in Microsoft Word 2002 (or above) format. Attachments to Part 2 can be provided in PDF format.
- The completed and signed **Part 3 - NTLSSL Deed** should be scanned to PDF format; and
- **Post, courier or otherwise deliver** the signed hard copies of **Part 2 – Application for Inclusion Form** and attachments (one signed original only) and **Part 3 - NTLSSL Deed** (two signed originals) of the Application for Inclusion to AGD at the address set out in the Contact and Lodgement Details in clause 7.
- Applicants will receive email confirmation after both the electronic Application for Inclusion and the hard copies of the Application for Inclusion Form (and attachments) and NTLSSL Deeds are received by AGD.

For the avoidance of doubt, the electronic NTLSSL Deed appearing on the NTLSSL Website at the date the AGD signs the NTLSSL Deed will prevail over the signed copies of the NTLSSL Deed in the event of an inconsistency between the documents.

The email address in clause 7 above has a size limit. Documents can be sent in a zipped folder or in multiple emails as required.

3.2 Timeframes for lodgement of Applications for Inclusion

After initial establishment, the NTLSSL remains open to applications for inclusions continuously. Applicants are invited to apply for inclusion on the NTLSSL at any time. There is no limitation on the number of times an Applicant may apply for inclusion, should they have previously submitted an unsuccessful Application for Inclusion.

Where a Service Provider has been removed from the NTLSSL arrangements pursuant to the Operational Rules at Schedule 1 of the NTLSSL Deed, AGD may at its discretion impose restrictions or conditions on the Service Provider in relation to reapplying for inclusion.

3.3 Timeframes for and assessment of Applications for Inclusion

Applications for Inclusion of the NTLSSL are assessed by AGD.

Unless otherwise advised on the NTLSSL Website, AGD will assess applications for inclusion on a continuous basis. AGD will assess an Application for Inclusion and provide written notice of an Applicant's inclusion or rejection (including reasons) as soon as possible, with the aim of doing so within sixty (60) days of receipt of the Application for Inclusion, including any further information sought from the Applicant.

An Application for Inclusion is deemed to have been received on the date stated in the relevant email acknowledgement referred to in clause 3.1 above. This date will be the day that both the electronic Application for Inclusion and the hard copies of the Application for Inclusion Form (and attachments) and NTLSSL Deeds are received by AGD.

AGD may, from time to time, advise of any alternative period of assessment by publishing notices on the NTLSSL Website to that effect. Any alternative period of assessment will apply to an Application for Inclusion as set out in the relevant notice, including where advised, retrospectively.

4 Conditions for Participation and guidance on completing the Application for Inclusion Form

4.1 Conditions for Participation

To be considered for inclusion on the NTLSL, an Applicant **must** meet the following conditions for participation:

4.1.1 Threshold Conditions for Participation

- provide declarations that key personnel engaging in legal practice in Australia are subject to the regulation of a relevant State/Territory law society or professional body, or the National Board on its commencement, or Part VIII B of the *Judiciary Act 1903*;
- provide proof that the Applicant has:
 - professional indemnity insurance for an amount not less than that required under the Operational Rules at the date of the Application for Inclusion; and
 - public liability insurance for an amount not less than that required under the Operational Rules at the date of the Application for Inclusion;
 - workers compensation insurance as required by law for each jurisdiction in which the Applicant is practising;
 - if the Applicant is a member of a limitation of liability scheme through a State or Territory law society or similar, provide evidence that it has a liability cap for an amount not less than that required under the Operational Rules at the date of the Application for Inclusion;
- provide list rates and innovative fee arrangements;
- provide two duly completed and executed NTLSL Deeds in the form set out in Part 3 of the Application for Inclusion (that is, the terms and conditions of the NTLSL Deed must not be amended by the Applicant); and
- provide two written referee reports for each category of legal work for which the Applicant is seeking inclusion;

4.1.2 Qualitative Conditions for Participation

- demonstrated capacity to provide quality legal services to the Territory in the nominated categories of legal work, including offers of value add services;
- demonstrated capacity to identify and manage conflicts of interest; and
- a statement as to the Applicant's Local Development and Value Adding criteria, as set out in clause 4.7

4.2 Assessment of an Application for Inclusion

Applicant's responses to the conditions for participation will be assessed on the basis that they either meet or do not meet the relevant requirement. Where it is determined by AGD at its discretion that an Applicant does not meet a condition for participation, the Application for Inclusion will be rejected (in part or whole). For the avoidance of doubt,

any Applicant that is assessed as not meeting a threshold condition for participation as set out under clause 4.1.1 will not be assessed against the qualitative conditions for participation as set out under clause 4.1.2.

After assessing the Application for Inclusion, AGD may accept only some parts of an Applicant's Application for Inclusion (for example, only in respect of some categories or subcategories of legal work nominated by the Applicant).

Prior to making a determination that an Applicant does not meet a condition for participation, AGD may, but is not obliged to, seek additional information or clarification from the Applicant.

Where an Application for Inclusion is rejected, in part or whole, the Applicant will receive, in writing, formal notification of the rejection and details regarding the reasons for this decision.

After an Applicant has been notified that their Application for Inclusion has been rejected (in part or whole), the Applicant may resubmit an amended Application for Inclusion at any time. A resubmitted Application for Inclusion will be considered on the same basis as if it were an original Application for Inclusion. There is no limitation on the number of times an Applicant may resubmit an Application for Inclusion.

4.3 Application for Inclusion Form

To apply for inclusion in the NTLSL, Applicants **must** complete **Part 2 – Application for Inclusion Form** (the Form). Each section of Part 2 contains a number of tables for the Applicant to complete. Guidance on completing each section of the Form, including which condition(s) for participation the sections relate to, are set out in the following clauses. Guidance has not been included where the information required can be easily ascertained from the Form.

Completion and submission of Part 2 does not, in and of itself, mean that an Applicant will be favourably evaluated. AGD must determine that the Applicant has met all conditions for participation (see clause 4.2 above).

An Applicant may apply its own fonts and colours to the Form. However, Applicants must not alter the layout of the Form and must not provide any additional information in Part 2 outside of the information requested in each section. AGD reserves its right to ask an Applicant to re-complete the Form if it does not comply with these requirements. This may result in an Application for Inclusion not being considered within the timeframe mentioned in clause 3.3.

Applicants that are successful in being appointed to the NTLSL will be given the opportunity to provide additional marketing information to be made available to Agencies, including via the NTLSL Information System when available.

4.4 Section 2 – List Rates and innovative fee arrangements

Completion of section 2 of the Form in accordance with the guidance in this clause 4.4 will be used to assess an Applicant's compliance against the **condition for participation** at clause 4.1.1 to provide list rates and innovative fee arrangements.

List Rates **must** be provided in Table 2.1. Applicants **must** provide hourly and daily rates on a GST inclusive basis.

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All rates must be in whole dollars and cents only. For example \$345.80 is acceptable, \$345.807 is not acceptable. Where list rates are entered as such, the additional digit will be disregarded (not rounded).

Applicants may also indicate if they are willing to offer secondments of legal staff to Agencies, to work on a matter “in house” for the Agency for a period of time. If an Applicant is prepared to offer secondments, then Table 2.1 should include details. Applicants may simply indicate that they are prepared to offer secondments on a basis to be negotiated, or may propose secondment rates on a GST inclusive basis. If proposed, secondment rates may be on a daily, weekly, monthly and/or other basis, but must be inclusive of all costs including GST. If an Applicant does not wish to offer secondments, then they should mark ‘N/A’.

Applicants should note that any secondment will be subject to a separate written agreement on each occasion.

Applicants **must not** provide ranges of rates, formulas, or other means of calculating rates.

List Rates are a maximum rate that cannot be exceeded under the Operational Rules.

If the List Rates provided do not apply across all categories or sub-categories of work, Applicants may duplicate Table 2.1 to provide maximum List Rates for separate category(ies) or sub-category(ies). Applicants may give rates for categories or sub-categories of work not specifically listed.

For example, Applicants may have one rate across the Commercial category, a separate rate across the Litigation category for all subcategories except for Employment and Industrial Relations subcategory, and a third rate just for the Employment and Industrial Relations subcategory.

Applicants may add explanatory notes to the List Rates table provided in Table 2.1.

For example, below the text ‘Lawyer (over 5 years working experience as a legal practitioner)’ an Applicant can insert text explaining that the equivalent position in the Applicant’s organisation is a Senior Lawyer with over 10 years post-admission experience.

Applicants should note that the Deed (including the Default Terms and Conditions) places certain restrictions on what disbursements and other amounts can be charged. Applicants must ensure that they do not propose anything in Table 2.2 or 2.3 which contradicts these requirements.

If the Applicant proposes innovative fee arrangements, details of these **must** be provided in Table 2.3. This may include arrangements which reduce the cost of the services without jeopardising the Applicant’s business model or the quality of the services delivered and may involve sharing risk.

Innovative fee arrangements proposed in Table 2.3 may also include areas where the Applicant is prepared to offer services on a fixed lump sum fee arrangement. All amounts must be specified inclusive of GST and clearly set out what is or is not covered in the proposal.

For example, provide that the preparation of a new Northern Territory Property Management (NTPM) Lease, or Lease Variation, using the standard

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Memorandum of Common Provisions, will be done on a fixed fee arrangement, detailing the amount of the fixed fee, confirmation of what it covers/does not cover, what disbursements are included/excluded. Where applicable, clarify what level/category of lawyer(s) would generally perform the work.

Applicants may submit innovative fee arrangements in respect of any work but are encouraged to do so in the following areas:

- leases or lease variations;
- conveyancing;
- child protection applications for the CEO;
- separate representative for a person subject to an application for child protection or adult guardianship application;
- adoptions;
- workers' compensation; and
- regulatory prosecutions.

Where innovative fee arrangements include fixed lump sum fees for set work, these fixed lump sum fees are a maximum fee that cannot be exceeded under the Operational Rules for matters which fall within the description of the proposed arrangement. A lump sum may apply to a part or stage of a particular set of instructions, provided that Applicants have clearly specified this.

Innovative fee arrangements must also be in whole dollars and cents only. For example \$345.80 is acceptable, \$345.807 is not acceptable. Where list rates are entered as such, the additional digit will be disregarded (not rounded).

Applicants should note that Territory Agencies are encouraged to negotiate their own specific fee arrangements with the Service Provider at rates below the List Rates or innovative fee arrangements with a Service Provider when procuring services from the NTLSL.

4.5 Section 3 – Categories of Legal Work

Completion of section 3 of the Form in accordance with the guidance in this clause 4.5 will be used to assess an Applicant's compliance against the **condition for participation** at clause 4.1.2 to provide demonstrated capacity to provide quality legal services to the Territory in the nominated categories of legal work, including offers of value add services.

The NTLSL is divided into categories (with subcategories) of legal work which provide for the broad legal services requirements of Agencies. Applicants are required, in Table 3.1 to nominate categories and subcategories of legal work in which they wish to participate, and which regions of the Territory they wish to participate in. Applicants may apply to participate in multiple categories/subcategories of legal work. Applicants may suggest additional categories or sub-categories.

For each category of legal work they wish to participate in, Applicants should tick the subcategory practice areas in which they are offering services in Table 3.1. Any non-applicable categories of legal work can be deleted from Table 3.1 or left blank.

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For each category and subcategory of legal work nominated in Table 3.1, Applicants must also specify whether they are able to undertake that legal work Territory wide, or only in certain regions, and if so, to nominate which regions.

The categories of legal work are:

- **Commercial**, including but not limited to the following subcategory practice areas:
 - **Real Property** – including conveyancing, leases and licences, planning law relating to developments
 - **Government Contracting** – including tendering, procurement, probity, project management and risk management for major projects and contracts, Public Private Partnerships, privatisation of government assets and businesses, major construction, building and land development contracts
 - **Corporate and Trade Practices** - including consumer protection, competition law, consumer credit, laws relating to corporations, associations, partnerships and joint ventures
 - **Finance and Taxation** – including insurance, banking, finance, superannuation, trusts, tax law including GST, stamp duty, levies and duties
 - **Natural Resources** – including environmental, water and energy, minerals and petroleum, primary industries, fisheries, marine and maritime, genetic modification, biotechnology
 - **Information Technology and Intellectual Property** – including software development and licensing, media and communications, copyright, patents, trademarks
 - **Other Commercial** (Applicant to nominate)
- **Litigation**, including but not limited to the following subcategory practice areas:
 - **Administrative Law** – including public administration and governance, judicial review and merits review, statutory interpretation, *Information Act* (FOI), privacy, anti-discrimination and equal opportunity, Ombudsman inquiries, royal commissions and inquiries, coronial inquests, prosecutions, Northern Territory Civil and Administrative Tribunal matters
 - **Employment and Industrial Relations**
 - **Personal Injury and Statutory Compensation** – personal injury, medical negligence, statutory compensation schemes including WRAC and MACA
 - **Child Welfare and Vulnerable Persons** – including youth justice, child welfare, adoptions, adult guardianship, mental health, volatile substance abuse, alcohol mandatory treatment, Part IIA Criminal Code Act (mental impairment and unfitness to be tried)
 - **Building and Construction Disputes**

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- **General Dispute Resolution** – including general tort law, negligence, defamation, general contract disputes, wills, estates, trusts and family administration
- **Other Litigation** (Applicant to nominate)
- **All other legal services** (Applicant may nominate additional categories)

For the avoidance of doubt, the subcategories under Commercial Law involve transactional and advice work only. The appropriate litigation subcategories should also be nominated if an Applicant is offering dispute resolution and litigation services in those areas.

For example, if the Applicant is offering transactional and advice work, as well as litigation services, in building and construction law, nominate the appropriate subcategories in both “Commercial Law” (Government Contracting), and the “Litigation” (Building and Construction Disputes) categories.

The category “All other legal services” should only be nominated if the proposed legal services do not fall within the other categories.

The categories and subcategories of legal work may change over time at the discretion of the AGD as provided in the Operational Rules at Schedule 1 to the NTLSL Deed.

For each nominated category (not each subcategory) of legal work, the Applicant must provide details of:

- key personnel and size of practice area(s) (Table 3.2); and
- experience and examples to demonstrate capacity to provide quality legal services to the Territory for that category (Table 3.3).

Tables 3.2 and 3.3 should be replicated for each category of work applied for.

A page limit of 10 pages per category of legal work applies to Table 3.3. The 10 page limit applies to the overall category of legal work, not the subcategory practice areas under a category.

For example, within the 10 page limit for the ‘Commercial’ category, an Applicant would need to provide details of all the relevant expertise of an Applicant in Commercial law, including in the nominated subcategories of Real Property and Finance and Taxation.

In Table 3.4, Applicants should provide general information on how legal matters and client relationships will be approached and handled. For example, Applicants may wish to include information on the following:

- service levels and standards the Applicant intends to provide and how it intends to maintain those standards (eg turnaround times for providing advice and documents prepared);
- details of the Applicant's overall capacity to handle the anticipated volume of work, including details of capacity in relation to each category of legal work if considered necessary;

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- the Applicant’s ability to provide services in regional areas (if relevant) (for example, offices in regional centres, agents or resources in regional centres, systems that facilitate servicing of a region);
- details of any documented quality management system the Applicant may have;
- how the Applicant may handle specific risks such as inability to develop appropriate client relationships with client Agency staff, inadequate resources to handle anticipated volume of work, inadequate experience in the specialist areas of expertise required to carry out the work); and
- details of any risk management systems the Applicant may have, and any risk management or contingency plans, which will be implemented in delivery of work.

Applicants are also required, in Table 3.5, to indicate what value add services are available to the Territory and the basis on which they are offered. An Applicant may offer different value add services for different categories of law or value add services that will apply regardless of the category of law. Value add services are a matter for Applicants, but may include things such as:

- Delivery of presentations or information to the Territory at no or reduced cost;
- No cost legal services (for example, minor queries dealt with at no charge to the Territory)

Applicants should note that value add services provided in their Application for Inclusion in Table 3.5 do not prevent Agencies from negotiating specific value add arrangements.

4.6 Section 4 – Conflicts of interest

Completion of section 4 in accordance with the guidance in this clause 4.6 will be used to assess an Applicant’s compliance against the **condition for participation** at clause 4.1.2 to show demonstrated capacity to identify and manage conflicts of interest.

Applicants **must** detail in Table 4.1 the approaches and processes they have in place for avoiding, identifying and managing conflicts of interest.

Applicants **must** provide in Table 4.2 examples as to the operation of the approaches and processes included in Table 4.1.

Applicants **must** provide in Table 4.3 details of any existing conflicts of interest which AGD could reasonably consider to be relevant for general legal services for the Territory (rather than in respect of individual clients or matters), and how the Applicant proposes to deal with those particular conflicts of interest if it is included on the NTLSL.

For example, if the Applicant regularly acts for the Commonwealth in a particular type of matter, the Applicant must disclose this if the Applicant would or may be conflicted if the Territory instructed the Applicant to act against the Commonwealth in such a matter.

Applicants should note that disclosing a broad conflict will not automatically preclude them from being included on the NTLSL, or from them obtaining work of that nature if they are included on the NTLSL. However the Territory requires the potential for conflict to be disclosed, and for the Applicant to identify how it would deal with this specific potential for conflict.

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If the Applicant considers it has no existing conflicts of interest of this broad nature, it must state this.

4.7 Section 5 – Local Development and Value Adding

It is a **condition of participation** that Applicants complete section 5 of the Form in accordance with the guidance in this clause 4.7. The information provided will be made available to AGD and other Agencies in order to assess an Applicant's suitability for engagement in relation to Local Development and Value Adding criteria when required.

No qualitative assessment of Local Development and Value Adding will be made at the time of inclusion on the NTLSSL. Local Development and Value Adding criteria will be assessed in respect of individual Service Providers as part of the order process for specific legal services.

Applicants **must** provide information in Table 5.1 to demonstrate their understanding of and indicate their capacity to meet the requirements of Local Development and Value Adding. This should include arrangements to ensure that the requirements relevant to the performance of legal services in the public sector environment are met.

The information provided in Table 5.1 must include a statement as to the Applicant's commitment to the Territory, including the development of the legal services market and the legal profession there and, where relevant, commitment to development of regional areas of the Territory. The statement may include reference to:

- whether the Applicant operates from one or more premises in the Territory;
- whether the Applicant employs Territory residents and whether there are plans to increase staffing levels in the Territory;
- what staff training the Applicant provides to its employees, including support for training of graduate lawyers and paralegals;
- whether the Applicant uses local suppliers and networks or has relationships with Territory businesses;
- whether the Applicant supports community organisations in the Territory (e.g. sponsorship or in kind assistance);
- details of any value added services, e.g. seminars or training, which the Applicant has provided in the past and/or will provide in future in the Territory.

4.8 Section 6 – Referees Reports

Applicants **must** provide, in Table 6.1, details for two referees for **each** category (not sub-category) of legal work that the Applicant is applying for. Please note the same referee cannot be used for more than one category.

Applicants **must** then attach written referee reports from each of the referees nominated in Table 6.1. A template for referee reports is provided in section 6.2 of the Form. Use of the template is not mandatory, but will assist persons considering the reports during evaluations.

The Applicant's referees may be checked as part of validating the claims made. AGD also reserves the right to contact any other person, directly and without notifying the Applicant to verify the claims made.

Where an Applicant has not completed Table 6.1 and has not attached the two written referee reports for each category of law, the **condition for participation** at clause 4.1.1 in respect of referee reports will be assessed as not met.

In addition to the information provided in response to section 3 of the Form, the referee reports will be considered when determining whether an Applicant has the capacity to provide quality legal services to the Territory.

4.9 Section 7 – Applicant CVs

Applicants may, but do not have to, include curriculum vitae's (CVs) for key personnel nominated in Section 3 of the Form. A template for CVs is provided in section 7.1 of the Form. Use of the template is not mandatory, but will assist persons considering the CVs during evaluations.

Where CVs are submitted, they may be considered when determining whether an Applicant has the capacity to provide quality legal services to the Territory.

A page limit of 10 pages per category of legal work applies to Section 7 of the Form. Individual CVs may exceed one page. If an individual lawyer practices across more than one category of law, it is not necessary to duplicate their CV. However, their CV should reference all their relevant practice areas.

4.10 Section 8 – Applicant's Declaration

Applicants **must** complete and sign the Applicant's Declarations at section 8 of the Form. The Applicant's Declarations will be used to assess an Applicant's compliance against several of the **conditions for participation** in clause 4.1.1.

Although Applicants are also asked to sign the Applicant's Declarations confirming their insurance and limitation of liability cap limits for the purpose of clause 4.1.1, Applicants **must** also provide current certificates of currency or other equivalent evidence confirming that they have those insurance requirements set out in clause 4.1.1.

Applicants should also note that if they are included on the NTLSSL, the Territory may request additional insurance above the standard requirements if considered necessary in a particular matter or type of matter.

5 Additional information and matters concerning applications for inclusion

5.1 Confidentiality

Applicants must not, and must ensure that their employees, agents or subcontractors do not, either directly or indirectly record, divulge or communicate to any person any confidential information concerning the affairs of the Territory or a third party acquired or obtained in the course of preparing an Application for Inclusion.

Agencies, including AGD, will ensure that their employees, agents or contractors do not, either directly or indirectly record, divulge or communicate to any third party any confidential information provided by an Applicant in their Application for Inclusion, unless otherwise agreed, required by law or in response to requests by a Minister, Cabinet, Parliament, the Administrator, or any Ministerial, Cabinet or Parliamentary Committee of the Territory or in response to a request by the Legislative Assembly or a Committee of the Legislative Assembly.

5.2 NTLSL notifications and publication

The Applicant agrees to the publication of information obtained or created during the course of the Application for Inclusion process (including updates to the information), including (but not limited to) their name (if an individual), trading name, ABN/ACN, address, contact position, telephone number, email address, employee names and CV's, categories and subcategories of work and rates, and copies of AFI documents on the NTLSL Website, the NTLSL Information System and/or other areas, including internal and external NTG websites if their Application for Inclusion is accepted.

The Applicant also agrees that the Application for Inclusion form and attachments submitted for evaluation will be made available to Agencies on the NTLSL Information System.

Any notifications or information relevant to Applicants in regards to the NTLSL, including clarifications or addenda (refer, for example, to the AGD's rights at clause 5.4) will be published on the NTLSL Website. It is the Applicant's responsibility to continue to monitor the NTLSL Website for such publications and none of AGD or the Territory will be responsible for an Applicant's failure to do so, including where this may result in the Applicant being excluded from further consideration.

5.3 Requests for clarification

Applicants may seek clarification of the meaning of the content of this Application for Inclusion from AGD.

Except for those raised in an industry briefing, all requests for clarification are required to be in writing and sent to the email address specified in the Contact and Lodgement Details in clause 7.

AGD may, at its discretion, decline to answer a request for clarification.

5.4 AGD's rights

Without limiting other rights contained in this Application for Inclusion, AGD reserves the right to:

- add new Service Providers to the NTLSL at any time;
- publish on the NTLSL Website any clarification of the meaning of the content of this Application for Inclusion, on a non-attributable basis and without disclosing an Applicant's confidential information;
- terminate or suspend this process;
- alter or change this process, conditions for participation or the requirements of the Application for Inclusion; or
- request additional information, and the Applicant needs to promptly provide such additional information.

5.5 No contractual arrangements

Nothing in this Application for Inclusion will be construed to create any binding contract (express or implied) between the Territory and any Applicant, until a NTLSL Deed is executed by the AGD on behalf of the Territory with the successful Applicant(s). Any conduct or statement whether prior to or subsequent to the issuance of this Application

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for Inclusion is not, and this Application for Inclusion is not, and must not be deemed to be:

- an offer to contract; or
- a binding undertaking of any kind by the Territory (including, without limitation, quasi-contractual rights, promissory estoppel, or rights with a similar legal basis).

5.6 Cost

Each Applicant is responsible for its cost in preparing or submitting an Application for Inclusion and taking part in this Application for Inclusion process.

Neither the AGD nor the Territory is not liable for any cost of the Applicant in relation to this Application for Inclusion process, including in the event that the Applicant's Application for Inclusion is rejected.

6 Applicant check list

Applicants should use this check list to ensure that all required information has been considered and submitted to AGD.

CHECK LIST		
Action	Form requirements	
Ensure the correct Application for Inclusion (AFI) documentation, including any amendments, has been completed (check the NTLSL Website, at the address set out in the Contact and Lodgement Details in clause 7).		<input type="checkbox"/>
All tables in Section 1 of the Form have been completed.		<input type="checkbox"/>
Completed List Rates table in Section 2 of the Form including: <ul style="list-style-type: none"> • secondment rates must be provided if secondments will be offered (Table 2.1); • details on disbursements and innovative fee arrangements must be provided (Tables 2.2 and 2.3) 	<i>All list rates provided must be GST inclusive (Table 2a)</i>	<input type="checkbox"/>
Marked relevant practice areas in Table 3.1.		<input type="checkbox"/>
Completed Table 3.2 providing details of key personnel and the size of practice areas.	<i>Response must not exceed 5 pages per category of legal work.</i>	<input type="checkbox"/>
Completed Table 3.3 providing details of experience and examples to demonstrate capacity for each category of legal work.	<i>Response must not exceed 10 pages per category of legal work.</i>	<input type="checkbox"/>
Completed Table 3.4 detailing approach to managing legal matters and client relationships	<i>Response must not exceed 5 pages.</i>	<input type="checkbox"/>
Completed Table 3.5 providing value add services.	<i>No page limit applies.</i>	<input type="checkbox"/>
Completed Tables 4.1 and 4.2 concerning managing conflicts of interest.	<i>Response to whole of Section 4 must not</i>	<input type="checkbox"/>

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CHECK LIST		
Action	Form requirements	
	<i>exceed 5 pages.</i>	
Completed Table 5.1 concerning Local Development and Value Adding.	<i>Response to the whole of Section 5 must not exceed 5 pages Condition</i>	<input type="checkbox"/>
Listed two referees for each category of law in Table 6.1.	<i>No page limit applies</i>	<input type="checkbox"/>
Attached referee reports for all referees listed in Table 6.1.	<i>'Referee report' template provided but is not mandatory</i>	<input type="checkbox"/>
(Optional) Attached Curriculum Vitae for key personnel at Section 7 of the Form.	<i>CV template provided but is not mandatory. Attachments must not exceed 10 pages per category of legal work.</i>	<input type="checkbox"/>
Completed and signed the Applicant's declarations at Section 8 of the Form, Tables 8.1, 8.3 and 8.4.	<i>Must list key personnel.</i>	<input type="checkbox"/>
Completed Table 8.2 listing all relevant insurance policies and attached all insurance certificates including evidence of current: <ul style="list-style-type: none"> • professional indemnity insurance for an amount not less than that required under the Operational Rules at the date of the Application for Inclusion; • public liability insurance for an amount not less than that required under the Operational Rules at the date of the Application for Inclusion; • workers compensation insurance as required by law for each jurisdiction in which the Applicant is practising; and • a liability cap for an amount not less than that required under the Operational Rules at the date of the Application for Inclusion (<i>if a member of a limitation of liability scheme</i>) 	<i>Must provide evidence of workers compensation for each State and Territory as required by law.</i>	<input type="checkbox"/>

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CHECK LIST		
	Action	Form requirements
Lodged application: <ul style="list-style-type: none"> • Part 2 - Application for Inclusion Form (including attachments) and at Part 3 (NTLSL Deed) must be lodged electronically to the email address set out in the Contact and Lodgement Details in clause 7; and • One originally signed hard copy of Part 2 (including attachments) and two originally signed hard copies of Part 3 of the Application for Inclusion must be posted, couriered or otherwise delivered to AGD at the address set out in the Contact and Lodgement Details in clause 7. 	<p><i>Must not alter the layout of the Form and must not provide any additional information in Part 3 outside of the information requested in each section.</i></p> <p><i>Must not amend the terms and conditions of Part 2.</i></p>	<input type="checkbox"/>

7 Contact and Lodgement Details

7.1 NTLSL Website

<http://www.nt.gov.au/justice/solicitor/legal/services.shtml>

7.2 AGD Contact Details

Email: LegalServices.SFNT@nt.gov.au

Postal Address: Department of the Attorney-General and Justice
 NTLSL
 GPO Box 1722
 Darwin NT 0801

Street Address: Department of the Attorney-General and Justice
 NTLSL
 Level 1, Old Admiralty House Towers
 68 The Esplanade
 Darwin NT 0800

Telephone: 08 8935 7847

Facsimile: 08 8935 7828

NTLSL Manager: Denise Southwood, Assistant Manager

7.3 Northern Territory Government’s Procurement Framework website

[http://www.dob.nt.gov.au/business/tenders-
contracts/legislative_framework/Pages/default.aspx](http://www.dob.nt.gov.au/business/tenders-contracts/legislative_framework/Pages/default.aspx)