# Part A - Introduction

**TI10 Pre-qualification Register application form**

**September 2022**

**This application form is for legal service providers to pre-qualify to provide services to the Crown Solicitor’s Office or a South Australian public authority.**

## Invitation for pre-qualification

You are invited to apply to be pre-qualified as a legal provider that the Crown Solicitor or a South Australian public authority may instruct to provide services pursuant to an approved arrangement under Treasurer’s Instruction 10 in one or more of the following categories:

1. Employment and industrial (including worker’s compensation)
2. Regulatory Prosecutions and Occupational / Professional Disciplinary Complaints
3. Native Title
4. Child Welfare
5. Environment and Planning
6. Major Projects
7. General commercial (non-litigation)
8. General property (non-litigation, and including construction)
9. Intellectual Property and Information Technology
10. Civil Litigation
11. Commercial Litigation
12. Competition and Consumer
13. Costs Assessment and Recovery
14. Public and Administrative (including FOI, review of statutory decision-making and State taxation)

## Document structure

This invitation for pre-qualification consists of three parts:

**Part A Introduction**

This part contains a brief background and general information concerning the pre-qualification process and the Crown Solicitor’s Office TI10 Pre-qualification Register.

**Part B Application conditions**

This part sets out the procedures for, and conditions of, submitting an application.

**Part C Application form**

This part contains the application form which, if completed, will form your application.

# Background

Treasurer’s Instruction 10 (TI10), issued under the *Public Finance and Audit Act 1987* (SA), reflects long-standing SA Government policy that the Crown Solicitor’s Office (CSO) provide all legal services to SA Government public authorities. TI10 provides that a public authority shall not use the services of a legal practitioner other than the Crown Solicitor unless the Crown Solicitor has first approved the appropriateness of the engagement of that practitioner.

The Crown Solicitor supplements the resources of the CSO through the briefing out to private solicitors of certain legal work. CSO has established a non-exclusive register of pre-qualified South Australian legal providers that are most suitable to provide legal services in accordance with TI 10 (the Register).

Where legal services are briefed out, in many circumstances, the CSO will brief out that work to an appropriate pre-qualified legal provider listed on the Register.

Regardless of the creation of the Register or the pre-qualification of legal providers, in some circumstances legal services may be briefed out to legal providers that are not pre-qualified or on the Register.

Further information in relation to the administration of TI10 arrangements can be found in CSO Legal Bulletin 1: Engagement of External Legal Practitioners under Treasurer’s Instruction 10, available from the AGD website above.

# Process

* 1. Any South Australian legal services provider may apply for pre-qualification and therefore inclusion on the Register at any time.
  2. Each application will be assessed by the CSO to determine whether the applicant (among other things) appears to have the necessary expertise, experience and resources to provide high-quality legal services to CSO and South Australian public authorities.
  3. After the consideration of any applications submitted, CSO will, where appropriate, update the Register. CSO will notify each applicant of whether it has been included on the Register. CSO is not obliged to give any reasons for its decision.
  4. This does not amount to a procurement process, nor does the creation of the Register or the pre-qualification of a legal provider create a process contract, a panel contract or any other contractual arrangement.
  5. Prior to any engagement of a legal provider, a further assessment of pre-qualified legal providers (and, in some circumstances, legal providers that are not on the Register) will be undertaken by CSO, having regard to the particular nature of the legal work required.
  6. Pre-qualification of a legal provider and their inclusion on the Register will not guarantee that the provider will be engaged to provide any volume of legal work.
  7. CSO will periodically, and may at any time, review the Register and, as a result, may amend entries within, add legal providers to, or remove legal providers from, the Register.

# Essential pre-qualification requirements

The following requirements are essential for pre-qualification and a legal provider will not be included on the Register unless the CSO is satisfied of the following requirements:

* 1. The legal provider agrees to provide legal services when engaged under an approved TI10 arrangement:
  2. on the basis of the applicable CSO’s Standard Terms of Engagement (either for solicitors or counsel as appropriate), which are published on the AGD website above; and
  3. at rates not greater than the applicable CSO TI10 Rates for Private Solicitors and Counsel, which are published on the AGD website above.
  4. The legal provider holds a South Australian legal practising certificate or, if it is a law firm, the lawyers whom it generally proposes to make available hold South Australian legal practising certificates.
  5. The legal provider maintains a permanent South Australian office.

# Selection criteria

The assessment of applications will be based on the following criteria:

* 1. The skills, experience and expertise of relevant practitioners within the applicant’s organisation.
  2. The level of resources and capacity of the legal provider to provide legal services on instruction from the Crown Solicitor.
  3. The insurances maintained by the applicant at the date of the application.
  4. Such other criteria that the CSO considers relevant.

# Pro-bono work

* 1. Whilst not part of the selection criteria for the Register, the CSO supports and encourages members of the Register undertaking pro bono legal services in South Australia.
  2. As such the CSO requests that applicants detail (on an hours per solicitor basis) the level of pro bono legal services undertaken in South Australia in the previous financial year, their target for the coming financial year and whether they are signatories to the Australian Pro Bono Centre’s National Pro Bono Target.
  3. In addition, the CSO will request each member of the Register to report annually (on an hours per solicitor basis) on the level of pro bono legal services undertaken in South Australia in the previous financial year, their target for the upcoming financial year and whether they are signatories to the Australian Pro Bono Centre’s National Pro Bono Target.
  4. For the purposes of this clause and the reports required under it, the term ‘pro bono legal services’ has the meaning adopted by the Australian Pro Bono Centre (see [probonocentre.org.au/information-on-pro-bono/definition](https://www.probonocentre.org.au/information-on-pro-bono/definition))

# National Model Framework Addressing Sexual Harassment for the Australian Legal Profession

* 1. The applicant declares that the private firm / practitioner / counsel:
  2. Is committed to adhering to the principles underpinning the National Model Framework, and
  3. Has a sexual harassment policy in place which:
     + 1. Fully adopts the National Model Framework and its appendices; or
       2. Has been reviewed and amended as required in accordance with the National Model Framework in order to implement that Framework as far as practicable within their particular legal practice, in accordance with the [Law Council of Australia Guidance Note 1: Information for organisations implementing the Model Framework](https://www.lawcouncil.asn.au/publicassets/884113b8-eb62-ec11-9446-005056be13b5/Guidance%20Note%201%20-%20Information%20for%20organisations%20implementing%20the%20Model%20Framework.pdf)

Part B - Invitation conditions

# Format of application

* 1. Application for prequalification and inclusion on the Register may be made by completing the application form set out in Part 3 of this invitation (application form) and attaching any further documentation requested in the application form.
  2. You must complete a separate schedule to the application form for each of the 14 categories of work (as set out at clause 1 above) in respect of which you wish to be included on the Register.

# Submission of application

* 1. Completed application forms (including attachments) must be sent by email to [CSOTI10admin@sa.gov.au](mailto:CSOTI10admin@sa.gov.au) with the subject heading “Application for Pre-qualification” and should be not more than 5MB in size.
  2. Hard-copy applications will **not** be accepted.

# Probity and publicity

* 1. CSO requires that you will:
  2. declare any actual or potential conflict of interest;
  3. not make any news releases or responses to media enquiries and questions pertaining to the application process or the Register without CSO’s prior written approval.
  4. If you act contrary to these expectations, CSO reserves the right, in its discretion, to terminate consideration of your application or to remove you from the Register if you are successful in gaining pre-qualification.

# Reservation of rights

CSO reserves the right to:

* 1. clarify any aspect of a completed application with an applicant;
  2. remove a legal provider from the Register at any time;
  3. engage, or negotiate with, any other person or company who is not an applicant in response to this Invitation;
  4. allow an applicant to change its completed application;
  5. change these Invitation Conditions;
  6. subsequently initiate any other process for the same or similar requirements;
  7. seek the advice of external consultants to assist CSO in the evaluation or review of applications;
  8. invite any person to submit an application;
  9. make enquiries of any person, company or organisation to ascertain information in relation to an applicant and its completed application;
  10. consider an incomplete application; and
  11. consider an application submitted otherwise than in accordance with these Invitation Conditions.

# Confidentiality

* 1. You and CSO may disclose information to any consultant engaged for the purpose of this process if the consultant is required to preserve the confidentiality of that information.
  2. Information supplied by or on behalf of CSO is confidential to CSO and you are obliged to maintain its confidentiality.
  3. Although CSO understands the need to keep commercial matters confidential in appropriate circumstances, CSO reserves the right to disclose some or all of the contents of an application as a consequence of a constitutional convention or in order that the relevant minister may answer questions raised in the South Australian Parliament, keep Parliament informed or otherwise discharge the minister’s duties and obligations to Parliament and to advise the Governor, Parliament and/or the South Australian Government. Any condition in an application that purports to prohibit or restrict the minister’s right to make such disclosures cannot be accepted.

# Copyright and intellectual property

By submitting an application you license CSO to reproduce for the purposes of this process the whole or any portion of the application despite any copyright or other intellectual property right that may subsist in the application.

# Cost of preparation of applications

You are responsible for the cost of preparing and submitting your application and for meeting all other costs incurred by you arising out of the process.

Part C - Application form

# Applicant’s details

### Applicant’s name

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| Click here to enter text. |

### Applicant’s address and general email / phone contact details (Must be a permanent South Australian office. PO Boxes are not acceptable.)

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| Click here to enter text. |

### Applicant’s legal status

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| Click here to enter text. |

### Applicant’s ABN

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| Click here to enter text. |

# Solicitor or independent counsel services

Specify whether the applicant wishes to provide solicitor services or only to be briefed as independent Counsel.

Solicitor services may include advocacy / representation in matters not warranting appointment of separate Counsel.

Independent Counsel need not be a member of the SA Bar Association.

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| Solicitor  Independent Counsel only |

# CSO’s Terms of engagement

Specify whether the applicant will accept the applicable CSO’s Terms of Engagement, **without any modification**, if engaged to provide legal services to South Australian public authorities. There are separate Terms of Engagement for Private Solicitors and Independent Counsel available on the AGD website.

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| --- |
| Yes  No |

**Please note: If you respond ‘No’ your application will not be further considered.**

# Rates

Specify whether the applicant agrees to provide legal services on instruction from the Crown Solicitor or a South Australian public authority at rates not greater than the applicable CSO TI10 Rates for Private Solicitors and Counsel, available on the AGD website.

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| --- |
| Yes  No |

**Please note: If you respond ‘No’ your application will not be further considered.**

# Insurance

If the applicant currently holds professional indemnity insurance and/or public liability insurance specify, in respect of each type of insurance:

* the name of the insurance company;
* the date the current policy expires; and
* the amount for which the applicant is currently insured (for any one event and in the aggregate).

|  |  |  |  |
| --- | --- | --- | --- |
| Type of insurance | Insurance company | Expiry date | Amount |
| Professional indemnity | Click here to enter text. | Click here to enter text. | Click here to enter text. |
| Public liability | Click here to enter text. | Click here to enter text. | Click here to enter text. |

# Conflicts of interest

Declare any actual or potential conflict that may arise if the applicant is pre-qualified and/or engaged to provide legal services in relation to activities of any South Australian public authority.

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| Click here to enter text. |

# Pro bono work

The responses to the questions in this section do not form part of the selection criteria.

Is the applicant a signatory to the Australian Pro Bono Centre’s National Pro Bono Target

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| --- |
| Yes  No |

Please detail the level of pro bono legal services undertaken by the applicant in South Australia (on an hours per solicitor basis) in the last financial year:

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| --- |
| Click here to enter text. |

Please detail the applicant’s target for pro bono legal services to be undertaken in South Australia (on an hours per solicitor basis) in the current financial year:

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| --- |
| Click here to enter text. |

# National Model Framework Addressing Sexual Harassment for the Australian Legal Profession

The applicant is committed to adhering to the principles underpinning the National Model Framework, and has a sexual harassment policy in place which fully adopts the National Model Framework and its appendices or has been reviewed and amended as required in accordance with the National Model Framework in order to implement that Framework as far as practicable within their particular legal practice, in accordance with the [Law Council of Australia Guidance Note 1: Information for organisations implementing the Model Framework](https://www.lawcouncil.asn.au/publicassets/884113b8-eb62-ec11-9446-005056be13b5/Guidance%20Note%201%20-%20Information%20for%20organisations%20implementing%20the%20Model%20Framework.pdf).

Yes   
No

# Declaration

I, on behalf of Click here to enter text. (applicant), make application for prequalification with the CSO as a pre-qualified legal provider of legal services and declare that the information shown in this application is true and correct in every detail. I also undertake to advise CSO of any changes to the circumstances of the applicant affecting the information contained in this application.

**Name** Click here to enter text.

**Position** Click here to enter text.

**Signature**

**Date** Click here to enter text.

Schedule to application form

# Nomination of work types

*(A separate Schedule is to be completed for each nominated work type)*

**S1. Work type within register applied for**

1. Employment and industrial (including worker’s compensation)

2. Regulatory Prosecutions and Occupational / Professional Disciplinary Complaints

3. Native Title

4. Child Welfare

5. Environment and Planning

6. Major Projects

7. General commercial (non-litigation)

8. General property (non-litigation, and including construction)

9. Intellectual Property and Information Technology

10. Civil Litigation

11. Commercial Litigation

12. Competition and Consumer

13. Costs Assessment and Recovery

14. Public and Administrative (including FOI, review of statutory decision-making and State taxation).

**S2. Applicant’s representative’s name and contact details for work type:**

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| Click here to enter text. |

**S3. Suitability of practitioners**

List the names and job titles of practitioners that the applicant will make available to provide legal services in relation to the relevant work type.

Demonstrate the level to which each practitioner has the necessary skills, expertise, and experience to provide legal services in respect of the relevant work type including an identification of work carried out for any South Australian public authority in the last two years.

Attach, where relevant, any supporting documentation (such as professional resumes or copies of client feedback).

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| --- | --- | --- | --- |
| Name | Job title | Current SA legal practising certificate (Yes/No) | Comments |
| Click here to enter text. | Click here to enter text. | Click here to enter text. | Click here to enter text. |
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**S4. Capacity to provide services**

Demonstrate the level to which the applicant has capacity and sufficient resources to provide legal services in respect of the relevant work type within tight timeframes (which will vary and may be provided at short notice).

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| Click here to enter text. |