

# Client handbook



**Crown Solicitor's Office**



Government of South Australia  
Attorney-General's Department



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## Vision

The Crown Solicitor's Office (CSO) vision is to provide the best legal services to government.

The CSO can achieve this vision by enabling the South Australian Government and its agencies to make lawful and timely decisions by providing practical, sound and independent legal advice.

The CSO is responsible to the Attorney-General for the provision of legal services to the Attorney-General, to Cabinet and to all government agencies.

CSO Officers work with you to help you achieve the objectives that are demanded of government agencies in an ever changing climate of pressure and change. Particular expertise is offered in helping to identify and manage risk and to find practical solutions to the difficult legal problems faced by managers today.

We provide:

- legal advice, both formal and informal
- representation before the Courts and Tribunals including both solicitor and counsel services
- drafting and production of legal documents
- land conveyancing
- investigation services.

The Crown has built a large body of specialist knowledge in public law, public revenue, public risk and liability, government policy, major commercial transactions and intergovernmental issues. This can be particularly helpful in projects requiring consultation with, or approval by, other government agencies.

The Crown is a "not for profit" government agency that is partly funded by Treasury appropriation. The balance of our costs are funded by the fees we charge government agencies.

## Using the services of the Crown Solicitor's Office

### Obtaining services

CSO Officers have a wealth of knowledge and experience gained in both the public and private sectors. This knowledge enables the Crown to offer a comprehensive service to the government and its agencies in South Australia.

When you use the services of the Crown it is important to note that we act as your legal advisor. We are not policy makers nor are we legal enforcers. You are, and remain, the manager and decision maker. You instruct us and you are in charge of the case or project. We are responsible for providing advice and the necessary legal follow-up.

### Early advice

We encourage you to seek advice at the earliest stage of a project or as soon as a problem has been identified.

Early advice invariably leads to better outcomes. Early legal advice and assistance will often solve problems which, if left unattended, may create serious difficulties later.



Sometimes, it is not clear at the outset whether an issue will require legal assistance. In such cases a call to an Executive Solicitor is welcomed and may help to avoid unnecessary effort later.

Advice early in a major project will assist in the framing of the project in such a way as to avoid costly delays or renegotiations as the project progresses.

### **Formal advice**

Where a legal matter is complex, likely to be on-going, contentious, or incur substantial cost, you should instruct us to act. You may request a solicitor to work as part of your team in the conduct of a major project, or our involvement may be limited to providing written advice or representation in a court or tribunal.

### **Initial contact**

You can instruct us by making a written request to the Crown Solicitor by email, or by a phone call or meeting with a senior CSO Officer with relevant expertise.

For us to provide you with a good service we will need from you some or all of the following:

- a summary of the matter, with attention drawn to major issues
- a clear statement of what outcomes your agency is seeking (be it advice, documentation, representation)
- details of previous related issues
- key officers in your agency and their contact details
- a billing contact who will be responsible for receiving CSO invoices for payment
- name of any other CSO Officer who has had contact with this issue
- copies of relevant documents (you may be asked for the original documents)
- witness statements
- details of relevant policies
- any notices or court documents that have been issued
- dates of hearings
- your time requirements
- specific questions will help us to provide specific advice, but sometimes we will need to discuss with you to work out what the right question is.

### **Urgent advice**

Where the advice is urgent – for example where written advice or a court appearance is scheduled in the next 48 hours, we recommend you call one of the Assistant Crown Solicitors.

### **Updating your details**

If your contact details change, please advise the Business Service Section on: (08) 8207 1720 or [csobusinessservices@sa.gov.au](mailto:businessservices@sa.gov.au)



## Terms of engagement

When you instruct the Crown to commence a new matter (or to extend an ongoing matter) you will be informed of the CSO Officer assigned to your task, and the manager assigned to supervise.

*The manager will discuss with you the complexity of the matter and the degree of legal experience required.*

Before commencing any major matter, you are entitled to a letter of engagement which will confirm the terms upon which the CSO has agreed to act.

We will focus on:

- finding ways to achieve the outcome you need;
- advising on legal risk issues;
- ensuring that the services provided are relevant and proportional to the importance of, and the risk associated, with your project;
- matching your needs and the complexity of your matter with the most appropriate resources available; and
- your communication needs and follow-up requirements.



## Fees and charging policy

Cabinet approval exists for CSO to charge Government Agencies for legal services provided. Generally, agencies are charged for legal services that can be broadly characterised as operating costs of an agency's usual business. Exemptions for incurring fees include those legal services that exhibit a "public interest" or "public policy" character distinguishing them from the legal services required by an agency in order to conduct its usual business such as commercial, contractual or civil advice or litigation. Agencies will be notified if their matter is billable or not at the commencement of their matter.

CSO currently charges all legal services performed by legal practitioners at one common rate. The same rate applies irrespective of the classification of the legal officer providing the service. This may mean on some matters, work is performed by a very experienced practitioner, who will require little time to attend to your matter. On other occasions, your work may be performed by a junior practitioner who takes a little longer and may require more support. You will be charged for any time spent on the matter which could include time spent by more senior practitioners guiding and reviewing the work performed by the junior. The blended, flat rate has been set taking into account the benefit clients obtain from work performed by senior practitioners and the time spent by senior practitioners in supervising and assisting junior practitioners. The blended rate has also been set to take into account time spent on the matter undertaking administrative tasks such as copying and printing. You will not be charged separately for these items.

The rates are increased by the equivalent indexation rate at the beginning of each financial year.

<b>CSO hourly rate for 2020-21</b>			
	<b>2019-20 Rate</b>	<b>Indexation Rate</b>	<b>2020-21 Rate</b>
Legal Staff	\$283.00	2.50%	\$290.00
Conveyancers	\$174.00	2.50%	\$178.00
Investigators	\$174.00	2.50%	\$178.00
Law Clerks	\$174.00	2.50%	\$178.00
AHPRA	\$388.00	2.50%	\$398.00
Crown Advocate	\$455.00	2.50%	\$466.00
Crown Advocate (per day)	\$3,642.00	2.50%	\$3,733.00

You will be charged at these rates for time spent travelling.

<b>Outposted lawyers monthly rate</b>			
	<b>2019-20 Rate</b>	<b>Indexation Rate</b>	<b>2020-21 Rate</b>
LEC1	\$8,855.00	2.50%	\$9,035.00
LEC2	\$10,550.00	2.50%	\$10,765.00
LEC3	\$12,645.00	2.50%	\$12,695.00
LEC4	\$15,035.00	2.50%	\$15,255.00
LEC5	\$17,760.00	2.50%	\$18,025.00
SAES1 Executive Solicitor	\$25,825.00	2.50%	\$26,210.00

Some special funding arrangements exist for specific legal officers with tailored executive skills. For more information contact the Director, Business Services.

Conditions in relation to the Outposted Lawyer Program are available as a separate document. For more information please contact Lucinda Byers, Special Counsel to the Crown Solicitor.

Fees for the 2020-21 financial year have been increased in line with inflation. Where instructed to act for clients which are not agencies or instrumentalities of the State of SA (e.g. national bodies carrying out activities on behalf of the State of SA pursuant to COAG arrangements), different scales of fees may apply.



### **Disbursements**

The hourly rate includes usual expenses such as postage, minor photocopying, typing and support services, courier services, telephone costs (including STD and ISD) and travel within Adelaide CBD.

Unusual disbursements such as interstate or country travel expenses and accommodation, significant photocopying or briefing out to external counsel, will be separately charged. However, we will only incur these costs with your agreement. We may require you to transfer funds into the Crown trust account to ensure the CSO can pay these costs when they fall due.

### **Recovering legal costs**

All cost recovery matters will be treated as new matters.

As a general rule the policy of the CSO is to seek orders for costs where costs are available.

For billable CSO matters, where the CSO is awarded and recovers costs, those costs recovered will be forwarded to the client. For non-billable matters, the CSO will retain any costs awarded and recovered.

If there are exceptions to this rule, we will discuss them with you on a case-by-case basis.



## Use of private solicitors

### Schedule of rates 2020-21

The following is a schedule of the rates payable to private law firms for services performed for the South Australian Government with approval from the Crown Solicitor under Treasurer's Instruction 10. Rates are GST exclusive.

Private Solicitor rates for 2020-21			
	2019-20 Rate	Indexation Rate	2020-21 Rate
Law Clerks	\$177.00	2.50%	\$181.00
Litigation < \$1M	\$349.00	2.50%	\$358.00
Litigation > \$1M	\$388.00	2.50%	\$398.00
Commercial < \$200K	\$349.00	2.50%	\$358.00
Commercial > \$200K	\$388.00	2.50%	\$398.00
Employment (inc W/C)	\$349.00	2.50%	\$358.00

Counsel rates for 2020-21			
	2019-20 Rate	Indexation Rate	2020-21 Rate
Senior Counsel (per day)	\$3,620.00	2.50%	\$3,711.00
Senior Counsel (hourly, up to maximum per day being the	\$455.00	2.50%	\$466.00
Junior Counsel (per day)	\$2,528.00	2.50%	\$2,591.00
Junior Counsel (hourly, up to maximum per day being the daily	\$316.00	2.50%	\$324.00

Treasurer's Instruction 10 reflects long-standing government policy that CSO provide all legal services to government departments, agencies, statutory bodies and corporations, unless CSO has a conflict, does not have the resources to provide the services, or the services involve an area of law in which CSO does not have relevant expertise.

Treasurer's Instruction 10 ensures that:

- the government receives the most cost effective legal advice available (CSO is usually substantially more cost effective than the private sector).
- Crucial whole-of-government and public law issues, in which CSO holds unique

knowledge and expertise, are taken into account.

Generally, CSO is appropriately resourced in the areas in which government requires legal services.

The Crown Solicitor does in some circumstances grant approval under Treasurer's Instruction 10 for the engagement of private lawyers. Generally, in those cases, CSO instructs and manages the private lawyers on behalf of the government and passes on the private lawyers' charges to the relevant government entity for payment.

## Acting for individuals

### Private suits

The Crown Solicitor is not permitted to act for private persons except in rare cases where the Attorney-General gives approval.

Public sector employees who act within the scope of their duty will usually be protected from personal civil liability by the provisions of the Public Sector Act, their agency's insurance arrangements with SAICORP or of the particular Acts they administer.

The Crown Solicitor will generally provide initial clarifying advice to an officer who may face civil liability, but cannot act for officers who face liability for acting outside the scope of their duties or for criminal offences.

## Complaints or feedback

### Client feedback

The Crown Solicitor's Office invites you to provide feedback on our services so that we are able to continue providing the best services possible.

An annual client survey is conducted to facilitate this feedback process. If you wish to be included in the survey, please contact the Director, Business Services.

If you are not satisfied with the service you receive please discuss your comments and/or concerns first with the CSO Officer who is doing the work or with the relevant Assistant Crown.

If, for any reason, you wish to discuss your comments or concerns with another person, do not hesitate to contact the Crown Solicitor by phone 8207 1565.

### Contact us

Crown Solicitor's Office  
GPO Box 464  
Adelaide SA 5001  
DX 336

Phone: (08) 8207 1720

Fax: (08) 8212 6161

[Email: cso-businessservices@sa.gov.au](mailto:cso-businessservices@sa.gov.au)



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