

Freedom of Information

From: s22
Sent: Thursday, 10 December 2020 4:32 PM
To: 'Aus Gov'
Cc: s22 Freedom of Information
Subject: RE: L67026 - RFQ for s42 SEC=OFFICIAL:Sensitive. ACCESS=Legal-Privilege]
Attachments: L67026 - RFQ - December update - s42 .docx

Good afternoon s22

I have attached a revised request for quote in relation to a body of work previously foreshadowed below.

s42

Happy to discuss.

Kind regards

s22

s22

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OFFICIAL: Sensitive
Legal privilege

s22

2 pages removed under s22 of the FOI Act as irrelevant information

**SON3622041 | Legal Services Panel – Whole of Australian Government |
Request for Quote**

<i>Request For Quote for Legal Services</i>	
<i>Agency Information</i>	
Agency	Department of Industry, Science, Energy and Resources
Agency File Reference	LEX 67026
Agency Representative	Name: s22 Position: s22 Email: s22 @industry.gov.au Telephone: s22 Address: 10 Binara St Canberra ACT 2600
<i>RFQ and Proposed Order Details</i>	
RFQ Release Date	10 December 2020
RFQ Closing Date	12pm Monday 14 December 2020
Proposed Order Commencement Date	17 December 2020
Proposed Order Term and/or Completion Date	Until 30 April 2021 (Initial Term). The Agency may in its sole discretion extend the Initial Term of this Order for a further period or periods, up to 3 months, on the same terms and conditions of this Order, by giving at least one month's prior written notice to the Legal Services Provider (or such shorter period of notice as is agreed with the Legal Services Provider), prior to end of the Initial Term of this Order (extension period/s).
<i>Statement of Work</i>	
Area of Law	s42
Practice Area	
Detailed Statement of Work	

Request For Quote for Legal Services

s42

Location	Not applicable															
Confidential Information	<table border="1"> <thead> <tr> <th>Agency Confidential information</th> <th>Period of Confidentiality</th> </tr> </thead> <tbody> <tr> <td>Agency data</td> <td>Indefinitely</td> </tr> <tr> <td>Any Personal Information held by the Agency</td> <td>Indefinitely</td> </tr> <tr> <td>Security Classified Information</td> <td>Indefinitely</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Legal Services Provider Confidential information</th> <th>Period of Confidentiality</th> </tr> </thead> <tbody> <tr> <td>Information on the Service Providers performance</td> <td>Indefinitely</td> </tr> <tr> <td>List Rates (excluding the total value of the Contract)</td> <td>Indefinitely</td> </tr> </tbody> </table> <p>[Information on confidentiality provisions is available at: https://www.finance.gov.au/procurement/procurement-policy-and-guidance/buying/contract-issues/confidentiality-procurement-cycle/principles.html]</p>		Agency Confidential information	Period of Confidentiality	Agency data	Indefinitely	Any Personal Information held by the Agency	Indefinitely	Security Classified Information	Indefinitely	Legal Services Provider Confidential information	Period of Confidentiality	Information on the Service Providers performance	Indefinitely	List Rates (excluding the total value of the Contract)	Indefinitely
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Additional Terms	Not Applicable															
Additional Security Requirements	Not Applicable															
Additional Insurance Requirements	Not Applicable															

Request For Quote for Legal Services

Other Requirements	Not Applicable
Fees and Disbursements	
<i>Nominated Person Details</i>	
Required Qualifications and Experience	
Nominated Personnel	
Subcontractors	

Legal Services Provider Response to RFQ

Quotation (GST incl.)	[Insert estimate of fees and disbursements, including rates, fixed fee, blended rates, Bundling Arrangements, and disbursements (as applicable)]
Nominated Personnel	[Insert details of the Nominated Personnel]
Conflict of Interest	[Include details of any Conflict of Interest and how the Legal Services Provider proposes to resolve or otherwise deal with the Conflict of Interest]
Other Comments	[Any other relevant comments, including with regard to timeframes, etc.]

Freedom of Information

From: s22
Sent: Tuesdav. 15 December 2020 3:32 PM
To: s22
Cc: s22 Freedom of Information
Subject: s42 - external firm [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]
Attachments: s 11C(1)(b) - Department of Industr. Science. Eneary and Res....pdf;
s22

Hello s22

We have now received the s22 attached quotes from s 11C(1)(b) and s22 for work on the s42 s42 .

s22

	s 11C(1)(b)	s22
Price	s47(1)(b)	
Experience	s47(1)(b)	

s22

Availability

s47(1)(b)

Next Steps

s22

I expect that we could arrange an initial service order capped at \$50,000 (less if you would prefer) to cover the initial advice and to commence work on processing existing requests.

Happy to discuss any of this.

Kind regards

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From: s22

Sent: Monday, 14 December 2020 3:15 PM

To: s22

Cc: s22

Subject: RE: s42 - external firm [SEC=OFFICIAL]

Thanks s22

Regards

s22

s22

Strengthen, Grow, Innovate, Commercialise.

Entrepreneurs' Programme Branch
AusIndustry

s22 @industry.gov.au

My Executive Assistant is s22


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Australian Government
Department of Industry, Science,
Energy and Resources

AusIndustry
Entrepreneurs' Programme

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OFFICIAL

From: s22

Sent: Monday, 14 December 2020 3:14 PM

To: s22 @industry.gov.au>

Cc: s22 @industry.gov.au>; s22 @industry.gov.au>

Subject: RE: s42 - external firm [SEC=OFFICIAL]

Hi s22

We're just waiting on one more quote before we come to you with a recommended firm/seeking spending approval – we should be in touch again by mid-week.

Thank you

s22

Department of Industry, Science, Energy & Resources | www.industry.gov.au

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Cc: s22 [@industry.gov.au](mailto:s22@industry.gov.au)>
Subject: s42 - external firm [SEC=OFFICIAL]

Hi s22 any update on getting an external firm on board?

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From: s22
Sent: Tuesdav. 15 December 2020 10:40 AM
To: s22
Cc: Aus Gov; s22 Freedom of Information
Subject: RE: L67026 - RFQ for s42 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Hi s22

I'm happy for you to try to get me something by 2pm if that helps.

Also, if it helps with the estimate I am only expecting a brief description of your proposal in the RFQ template.

s42

Happy to chat as needed.

Thanks
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From: s22
Sent: Monday, 14 December 2020 2:38 PM
To: s22
Cc: Aus Gov ; s22 Freedom of Information
Subject: Re: L67026 - RFQ for s42 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Hi s22

s22
whether we will be able to prepare an estimate by 12pm.

I will call you after I have finished, and see

Regards
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s22

s 11C(1)(b)

On 14 Dec 2020, at 2:05 pm, s22 <@industry.gov.au> wrote:

Apologies s22 for not getting back to you sooner.
I have also been away from the office unwell and having connectivity issues from home.

I would be able to grant you an extension until 12pm on Tuesday, however unfortunately Thursday won't give us enough time to finalise any arrangements prior to shutdown. s22

I would be happy to discuss the scope of work with you tomorrow morning (but not between 9.30-10). If my phone doesn't connect through please try my mobile – s22

Thanks
s22

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From: s22

Sent: Thursday, 10 December 2020 5:21 PM

To: s22 <@industry.gov.au>; Aus Gov s47G

Cc: s22 <FOI@industry.gov.au>; Freedom of Information

<FOI@industry.gov.au>

Subject: RE: L67026 - RFQ for s42 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Dear s22

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s22 but if you would be willing to grant us an extension to next Thursday 17th December to submit a response, perhaps we can have a discussion on Tuesday about the scope of work?

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From: s22 <s22@industry.gov.au>
Sent: Thursday 10 December 2020 04:32 PM
To: Aus Gov <s47G>
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Subject: RE: L67026 - RFQ for s42 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]
Attachments: s 11C(1)(b) Response - Department of Industr. Science. Enearv and Resources
(DISER) - s4z December
2020).pdf

Good afternoon s22

Thank you for the opportunity to provide an updated response to the revised request quote, and granting an extension to submit prior to 2pm today.

Please find our response **attached** for your consideration. Should you have any questions regarding our proposal, we would welcome the opportunity to discuss with you.

I would be grateful if you could acknowledge receipt of our submission.

Regards
s22

—
s22

s 11C(1)(b)

From: s22
Sent: Tuesday 15 December 2020 11:09 AM
To: s22
Cc: Aus Gov ; s22 ; Freedom of Information
Subject: RE: L67026 - RFQ for s42 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Thanks s22 that further information is helpful, and we appreciate the short extension. We will provide you with a response by 2pm today.

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Sent: Thursdav. 17 December 2020 3:18 PM
To: s22
Cc: EP Finance; s22 Freedom of Information
Subject: RE: s42 - external firm [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]
Attachments: L67026 - s42 - s23 Evaluation and Approval template (002).docx

Thanks s22 has added the cost centre and account information in the attached, I approve under s23.

Regards

s22

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AusIndustry

s22 @industry.gov.au

My Executive Assistant is s22


T s22 @industry.gov.au

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Sent: Thursday, 17 December 2020 11:49 AM
To: s22 @industry.gov.au
Cc: s22 @industry.gov.au; s22 @industry.gov.au;
Freedom of Information <FOI@industry.gov.au>
Subject: RE: s42 - external firm [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Hi s22

Thank you for your recommendation. We've prepared the attached s23 form seeking your approval. Once this is approved I can send an Order to s 11C(1)(b) and attempt to set up an initial briefing meeting before shutdown.

Apologies – I don't have the details to complete the highlighted section relating to the source of funds. Hopefully you or s22 will be able to complete this.

Thanks
s22

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From: s22
Sent: Wednesday, 16 December 2020 7:45 AM
To: s22 @industry.gov.au>
Cc: s22 @industry.gov.au>; s22 @industry.gov.au>;
s22 @industry.gov.au>; Freedom of Information <FOI@industry.gov.au>; s22
Subject: RE: s42 @industry.gov.au> - external firm [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

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s47(E)(d)

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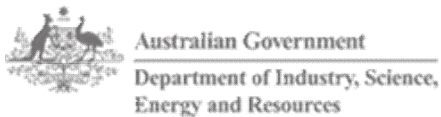
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AusIndustry
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Delegate Approval Request Form – Procurement

SON3622041 | Legal Services Panel – Whole of Australian Government

Procurement Description [As Per AusTender Requirements]		Legal Services	
Narration [This Field is used to assist with internal reporting and is not reported on AusTender]		Not Applicable	
Contact Details			
Contact Officer	s22	Contract Manager	s22
Division/Branch/Section	Small Business, FOI and Privacy, Legal, Audit and Assurance Branch	Delegate name and position	s22
PRI number (if applicable)	NA		
Business case			
<i>Note: if there is no requirement to obtain formal Approach to Market Approval through TechnologyOne, please include a brief description and justification of the procurement method/process.</i>			
Legal advice			
Consideration of an Indigenous Small to Medium Enterprise (SME)			
Have you considered whether an Indigenous SME can deliver the required good or service? [This is a requirement under Departmental Policy 3 – Procurement]		No	
Consideration completed by: Not Applicable		Not applicable – The Panel is exempt from the IPP as the services required are specialised.	
Indigenous Procurement Policy (IPP) – Mandatory Set Aside			
Does the IPP apply? [Applies to procurements valued between \$80,000 to \$200,000 (GST inclusive + extension options) and the proposed procurement method is Open Tender. A procurement must not be divided into separate parts to avoid relevant procurement thresholds.]		Not applicable – The Panel is exempt from the IPP as the services required are specialised.	
If Yes to either of the above, the Mandatory Set Aside requirements of the IPP applies and you will need to search for a potentially suitable Indigenous supplier as outlined in the IPP .			
Detail your Supply Nation search, including the name and number of suppliers identified and approached, the outcome etc.		Not applicable	
Is this arrangement for personnel that require security access?		No	
Contractor/supplier & specified personnel (if applicable)		s 11C(1)(b)	
Have you engaged this contractor within the previous twelve months?		Yes	
Is this arrangement for an independent contractor? For independent contractors , please identify whether superannuation applies.		No	
ICT Procurement			
Is this procurement for ICT goods/services?		No	

Have you consulted with the ICT Engagement team about this procurement?	Not applicable
Please attach correspondence or insert the name of the staff member consulted.	Not applicable
Procurement Method	
Procurement method [A procurement must not be divided into separate parts to avoid relevant procurement thresholds]	Open Tender
Panel SON Number (if applicable)	SON3622041- Legal Services Panel - Whole of Australian Government
Creditor details Please provide details: - ABN for all parties - is this an overseas supplier; - for independent contractors where superannuation applies, the superannuation party details	Not applicable
Funds source (i.e. Administered, Departmental)	Departmental
Cost centre	452
Natural account code	6504
Project code (if known)	00000
Process outcome (Value for money) Justification	

s47(1)(b)

AGS Procurement			
Not Applicable – AGS was not included in this Procurement			
PGPA Act s60 approval			
Does your contract contain a Contingent liability? [If yes, you must obtain s60 approval before submitting this form]	No		
PGPA Act s60 Approval outline (including attaching the Approval E-mail documentation for the Section 60)			
Not applicable			
Contract details			
Value of contract (GST inclusive)	\$50,000	Extension option value (GST inclusive)	\$0
Superannuation value [For independent contractors only – where applicable. Note –superannuation is calculated on the GST exclusive amount]	\$0		
Total contract value (GST inclusive) [including extension option & superannuation values - where applicable]	\$50,000		
Is future year funding required? [if 'Yes', enter financial year funding allocations]	No 2020/21 - \$		

	2021/22 - \$		2022/23 - \$
Contract type ensure you have regard for whether the services undertaken are a "consultancy"	Services		
Proposed initial agreement start <u>OR</u> delivery date	17/12/2020	Proposed initial agreement end date	30/06/2021
Contract term [E.g. Short term = < 6 months in duration Medium term = 6 months – 12 months in duration Long term = > 12 months in duration]	Medium term		
Proposed extension option(s) [Number of options and Period of options]	No		
Is this a new Capital asset or an addition to an existing Capital asset? (ICT use only)	Not applicable		
Procurement Risk			

s47E(d)

The data in this table is to be entered by the relevant outposted Corporate Network Finance Team. Completion of entry into Contracts Module in accordance with the form ensures legal contracts are reported in the Contracts Module in a consistent manner, without disclosing confidential information	
UNSPSC	80120000 - Legal Services
Justification	Specialist required (if consultancy)
Confidential Input	No
Confidential Output	Yes
Reason 1	Public Interest
Reason 2	No Confidential Requirement

Freedom of Information

From: s22
Sent: Thursday, 17 December 2020 3:59 PM
To: Aus Gov
Cc: Freedom of Information; s22
Subject: RE: L67026 - RFQ for s42 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]
Attachments: L67026 - Order - s42 .docx

Good afternoon s22

Thanks for your quote. We would like to accept it and have attached a service order for the amount of \$50,000 to s 42

Please let us know if this service order is acceptable.

s42

Happy to discuss any of this.

Kind regards
s22

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From: Aus Gov [mailto:s47G]
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To: s22
Cc: Aus Gov <s47G>; s22; Freedom of Information <FOI@industry.gov.au>
Subject: RE: L67026 - RFQ for s42 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Hi s22

I'm happy for you to try to get me something by 2pm if that helps.

Also, if it helps with the estimate I am only expecting a brief description of your proposal in the RFQ template.

s42

Happy to chat as needed.

Thanks
s22

OFFICIAL: Sensitive
Legal privilege

From: s22
Sent: Monday, 14 December 2020 2:38 PM
To: s22 <s22@industry.gov.au>
Cc: Aus Gov <s47G>; s22 <s22@industry.gov.au>; Freedom of Information <FOI@industry.gov.au>
Subject: Re: L67026 - RFQ for s42 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Hi s22

s22 I will call you after I have finished, and see whether we will be able to prepare an estimate by 12pm.

Regards
s22

s 11C(1)(b)

On 14 Dec 2020, at 2:05 pm, s22 <s22@industry.gov.au> wrote:

Apologies s22 or not getting back to you sooner.
s22

I would be able to grant you an extension until 12pm on Tuesday, however unfortunately Thursday won't give us enough time to finalise any arrangements prior to shutdown. ss42 and 47(1)(b)
ss42 and 47(1)(b)

I would be happy to discuss the scope of work with you tomorrow morning (but not between 9.30-10). If my phone doesn't connect through please try my mobile – s22

Thanks
s22

OFFICIAL: Sensitive
Legal privilege

From: s22
Sent: Thursday, 10 December 2020 5:21 PM
To: s22 <s22@industry.gov.au>; Aus Gov <s47G>
Cc: s22 <s22@industry.gov.au>; Freedom of Information <FOI@industry.gov.au>
Subject: RE: L67026 - RFQ for s42 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Dear s22

Thank you for inviting s 11C(1)(b) to submit a quote for s42 We would be pleased to submit a proposal, however we require further information in order to prepare a cost

estimate. (I tried calling you a couple of times before and just after 5pm, but you may have already left for the day.)

s22 but if you would be willing to grant us an extension to next Thursday 17th December to submit a response, perhaps we can have a discussion on Tuesday about the scope of work?

Kind regards

s22

s 11C(1)(b)

From: s22 <s22@industry.gov.au>
Sent: Thursday 10 December 2020 04:32 PM
To: Aus Gov <s47G>
Cc: s22
Subject: RE: L67026 - RFQ for s42 Freedom of Information <FOI@industry.gov.au> [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Good afternoon s22

I have attached a revised request for quote in relation to a body of work previously foreshadowed below.

s42

Happy to discuss.

Kind regards

s22

s22
This transmission may contain confidential or legally privileged information. If you are not the intended recipient, you are notified that any use or dissemination of this communication is strictly prohibited.

OFFICIAL: Sensitive
Legal privilege

s22

2 pages removed under s22 of the FOI Act as irrelevant information

SON3622041 | Legal Services Panel – Whole of Australian Government | Order

Order for Legal Services

Attn: s22

s 11C(1)(b) s 11C(1)(b)

Level 3
 25 National Circuit
 Forrest
 Australian Capital Territory 2603

Sent via: email: s47G***Agency Order Information***

Agency	Department of Industry, Science, Energy and Resources
Agency File Reference	LEX 67026

Order Commencement Date and Term

Order Commencement Date	17/12/2020
Order Term and Extensions	Until 30/06/2020 (Initial Term).

Statement of Work

Personnel	s22
Statement of Work	As per the RFQ sent on 10 December 2020 and the response received on 15 December 2020 and as reasonably requested by the Agency.
Fees and Disbursements	\$50,000 (GST inclusive) capped, s 47(1)(b)

Order for Legal Services

Agency Information

Agency Address for Notices:	Physical Address: 10 Binara St Canberra ACT 2600 Postal Address: GPO 2013 Canberra ACT 2600 Email: LegalPMU@industry.gov.au
Agency Address for Invoices:	Accounts@industry.gov.au AND LegalPMU@industry.gov.au
Action Required:	Please respond with your acknowledgement of this Order via return email. If you would prefer to reject this Order, please complete the table below.

Legal Services Provider Response to Order

A separate Contract will be formed between the Legal Services Provider and an Agency when an Agency issues an Order to the Legal Services Provider unless the Order is rejected in accordance with clause 11.3.4.

Reject Order	<p>Legal Services Provider may reject an order for the following reasons:</p> <table border="1" style="width: 100%;"> <tr> <td>Conflict of Interest</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Insufficiently skilled Personnel to perform the Legal Services required</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Unable to perform the Legal Services within the required timeframes</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Order is not substantially in accordance with the RFQ (if applicable) or the terms of the Head agreement</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	Conflict of Interest	<input type="checkbox"/>	Insufficiently skilled Personnel to perform the Legal Services required	<input type="checkbox"/>	Unable to perform the Legal Services within the required timeframes	<input type="checkbox"/>	Order is not substantially in accordance with the RFQ (if applicable) or the terms of the Head agreement	<input type="checkbox"/>
Conflict of Interest	<input type="checkbox"/>								
Insufficiently skilled Personnel to perform the Legal Services required	<input type="checkbox"/>								
Unable to perform the Legal Services within the required timeframes	<input type="checkbox"/>								
Order is not substantially in accordance with the RFQ (if applicable) or the terms of the Head agreement	<input type="checkbox"/>								
Conflict of Interest	<p><i>[If you do not wish to reject the Order for Conflict of Interest, include details of any Conflict of Interest and how the Legal Services Provider proposes to resolve or otherwise deal with the Conflict of Interest]</i></p>								
Other Comments	<p><i>[Any other relevant comments]</i></p>								

Freedom of Information

From: s22
Sent: Thursday, 17 December 2020 4:26 PM
To: s22
Cc: Freedom of Information; s22
Subject: RE: L67026 - RFQ for s42 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Hi s22

That's great news, and we look forward to working with you and your team. The service order looks fine from our perspective.

s42

Kind regards
s22

s22

s 11C(1)(b)

From: s22
Sent: Thursday 17 December 2020 03:59 PM
To: Aus Gov
Cc: Freedom of Information ; s22
Subject: RE: L67026 - RFQ for s42 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Good afternoon s22

Thanks for your quote. We would like to accept it and have attached a service order for the amount of \$50,000 to s 42

Please let us know if this service order is acceptable.

s42

Happy to discuss s42

Kind regards
s22

OFFICIAL: Sensitive
Legal privilege

From: Aus Gov [mailto:s47G]
Sent: Tuesday, 15 December 2020 1:04 PM
To: s22 @industry.gov.au>
Cc: Freedom of Information <FOI@industry.gov.au>; s22 >; Aus Gov <s47G >
Subject: RE: L67026 - RFQ for s42 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Good afternoon s22

Thank you for the opportunity to provide an updated response to the revised request quote, and granting an extension to submit prior to 2pm today.

Please find our response **attached** for your consideration. Should you have any questions regarding our proposal, we would welcome the opportunity to discuss with you.

I would be grateful if you could acknowledge receipt of our submission.

Regards
s22

—
s22

s 11C(1)(b)

From: s22
Sent: Tuesday 15 December 2020 11:09 AM
To: s22 @industry.gov.au>
Cc: Aus Gov <s47G >; s22 ; Freedom of Information <FOI@industry.gov.au>
Subject: RE: L67026 - RFQ for s42 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Thanks s22, that further information is helpful, and we appreciate the short extension. We will provide you with a response by 2pm today.

Kind regards
s22

—
s22

s 11C(1)(b)

From: s22 <s22@industry.gov.au>
Sent: Tuesday 15 December 2020 10:40 AM
To: s22
Cc: Aus Gov <s47G>; s22 ; Freedom of Information <FOI@industry.gov.au>
Subject: RE: L67026 - RFQ for s42 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

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OFFICIAL: Sensitive
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Subject: Re: L67026 - RFQ for s42 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Hi s22

s22
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I will call you after I have finished, and see

Regards
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s22

s22
s 11C(1)(b)

On 14 Dec 2020, at 2:05 pm, s22 <@industry.gov.au> wrote:

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ss42 and 47(1)(b)

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OFFICIAL: Sensitive
Legal privilege

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To: s22 <@industry.gov.au>; Aus Gov <s47G>
Cc: s22 <FOI@industry.gov.au>; Freedom of Information
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s 11C(1)(b)

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Sent: Thursday 10 December 2020 04:32 PM
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Cc: s22
Subject: RE: L67026 - RFQ for s42 ; Freedom of Information <FOI@industry.gov.au>
[SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

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s42

Happy to discuss.

Kind regards

s22

s22

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OFFICIAL: Sensitive
Legal privilege

s22

2 pages removed under s22 of the FOI Act as irrelevant information

Freedom of Information

From: Procurement Inbox
Sent: Wednesday, 23 December 2020 3:18 PM
To: s22
Cc: Procurement Inbox
Subject: COMPLETE PRS-00011071_ s 11C(1)(b) _019853 Legal Services Procurement - s 11C(1)(b) - LEX 67026 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]
Attachments: CO27000689.pdf

Good afternoon s22

Your procurement request is now **complete**.

*Important information for contract managers [Roles and responsibilities of a contract manager](#)

Contract Number	019853
Supplier	s 11C(1)(b)
Specified Personnel / Service	Legal Services – LEX 67026
Contract Value	\$50,000.00 (GST inc)
Generated Purchase Order	CO27000689

If necessary, please forward the purchase order number to the supplier contact for them to process your order.

Kind Regards,

s22

Department of Industry, Science, Energy and Resources | www.industry.gov.au

OFFICIAL: Sensitive
Legal privilege

From: s22
Sent: Wednesday, 23 December 2020 11:10 AM
To: Procurement Inbox <procurementinbox@industry.gov.au>
Subject: RE: DELEGATE APPROVED_PRS-00011071_ s 11C(1)(b) _019853 Legal Services Procurement - s 11C(1)(b) - LEX 67026 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Hi s22

This is a typo, yes, thank you! It should say 30 June 2021 per the s23 form.

Thanks!

s22

Legal, Audit and Assurance Branch

OFFICIAL: Sensitive
Legal privilege

From: Procurement Inbox
Sent: Wednesday, 23 December 2020 11:08 AM
To: Legal PMU <LegalPMU@industry.gov.au>
Cc: s22 <s22@industry.gov.au>; s22 <s22@industry.gov.au>; Procurement Inbox <procurementinbox@industry.gov.au>
Subject: RE: DELEGATE APPROVED_PRS-00011071_s 11C(1)(b) _019853 Legal Services Procurement - s 11C(1)(b) - LEX 67026 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Hi s22

The end date on the work order states 30/06/2020. Can you please confirm the end date? is this a typo?

Thank you

s22

Department of Industry, Science, Energy and Resources | www.industry.gov.au

OFFICIAL: Sensitive
Legal privilege

From: Legal PMU
Sent: Tuesday, 22 December 2020 8:09 AM
To: Procurement Inbox <procurementinbox@industry.gov.au>
Cc: s22 <s22@industry.gov.au>; s22 <s22@industry.gov.au>
Subject: RE: DELEGATE APPROVED_PRS-00011071_s 11C(1)(b) _019853 Legal Services Procurement - s 11C(1)(b) - LEX 67026 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Hi s22

Thanks for that – please find attached the Order for Services, and ^(h)s 11C(1) email agreement.

Please let me know if you need anything else.

Thank you!

s22

OFFICIAL: Sensitive
Legal privilege

From: Procurement Inbox
Sent: Monday, 21 December 2020 3:35 PM
To: Legal PMU <LegalPMU@industry.gov.au>

Cc: s22 @industry.gov.au>; s22 @industry.gov.au>; Procurement
Inbox <procurementinbox@industry.gov.au>

Subject: DELEGATE APPROVED_PRS-00011071_s 11C(1)(b) _019853 Legal Services Procurement - s 11C(1)(b) -
LEX 67026 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Good afternoon s22

Your procurement request has been **Delegate Approved (Stage 2)**.

ACTION: Provide a signed copy of the agreement to the Procurement and Financial Policy Team within 5 business days to enable our team to upload a copy into TechOne: 04 Jan 2021 Please advise if you anticipate any delays.

***Important notes:**

- *Goods/Services may not commence until the contract has been signed and dated by both parties.*
- *You must provide a copy of the signed contract to the Procurement and Financial Policy team as soon as signed, to allow the department to meet its obligation of reporting details of relevant contracts on AusTender within 42 days of the start date. If you envisage delays in being able to provide this contract, please notify us immediately so that other arrangements can be made.*

Procurement Reference	PRS-00011071
Contract Number	019853
Supplier	s 11C(1)(b)
Specified Personnel / Service	Legal Services – LEX 67026
Approved Value	\$50,000.00 (GST inc)
Extension Value	NIL

Where your agreement includes the engagement of specified personnel who require access to the Departments Property, ICT Network and Information Management Systems please commence On-Boarding via Page up using this [LINK](#) as soon as possible.

Kind regards,

s22

Department of Industry, Science, Energy and Resources| www.industry.gov.au

OFFICIAL: Sensitive
Legal privilege

From: Legal PMU

Sent: Monday, 21 December 2020 10:23 AM

To: Procurement Inbox <procurementinbox@industry.gov.au>

Cc: s22 @industry.gov.au>; s22 @industry.gov.au>

Subject: PRS-00011071 Legal Services Procurement - s 11C(1)(b) - LEX 67026 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Hi team,

Please find attached for the creation of a new contract:

- s 11C(1)(b) quote;
- Delegate email approval; and
- S23 approval and evaluation form;

Could you please upload to TechOne to record the Delegate's formal approval?

Many thanks!

s22

Department of Industry, Science, Energy and Resources | www.industry.gov.au

This transmission is intended only for the use of the addressee and may contain confidential or legally privileged information. If you are not the intended recipient, you are notified that any use or dissemination of this communication is strictly prohibited. If you have received this transmission in error, please notify me immediately by telephone and delete copies of this transmission together with any attachments.

**OFFICIAL: Sensitive
Legal privilege**



Australian Government
**Department of Industry, Science,
Energy and Resources**

Document 14 - LEX 69017

Purchase Order

Department of Industry, Science,
Energy and Resources
GPO Box 2013
CANBERRA ACT 2601
ABN: 74 599 608 295

s 11C(1)(b)

Order Nbr: CO27000689
Contract Nbr: 019853
Date Issued: 23/12/2020
Vendor Nbr: C032289
Date Required: 30/06/2021
Page: 1 of 1

<i>Description</i>	<i>Exc. Amount</i>	<i>GST</i>	<i>Inc. Amount</i>
LEX 67026	45,454.55	4,545.45	50,000.00

Total Order Amount: \$45,454.55 \$4,545.45 \$50,000.00

Invoice To: Department of Industry, Science, Energy and Resources
GPO Box 2013
Canberra ACT 2601
Australia

Contact Name: .

Contact Ph: .

Deliver To: Department of Industry, Science, Energy and Resources
10 Binara St
Canberra ACT 2601
Australia

This purchase order is issued by the Commonwealth of Australia pursuant to the Commonwealth Purchase Order Terms published on the Department of Finance's website (https://www.finance.gov.au/sites/default/files/2019-12/Commonwealth_Purchase_Order_Terms_v6.2_1_January2020.pdf) in the form that they appear at 9.00 am (local Canberra time) on the date of this purchase order. If Suppliers have already entered into a contract with the Department, those terms and conditions take precedence. The Department rejects any contrary terms and conditions.

s 11C(1)(b)

TAX INVOICE

Cth - Department of Industry, Science, Energy and
Resources
51 Allara Street
Canberra ACT 2601
AUSTRALIA

Date	29 January 2021
Invoice Number	10760488
Our Ref	s22 328281
ABN	s 11C(1)(b)

Description s42 (LEX 67026)

Your Ref Area of Law: Public Law
Practice Area: Freedom of Information, Privacy and Public Interest Disclosure
Agency File Reference: LEX 67026
Order Number: SON3622041

Australian Dollars

Professional fees

Professional fees - taxable

s47G

Plus GST

Total amount payable on receipt of invoice**AUD**

For terms and conditions please see reverse
For details and breakdown please see attachment

s 11C(1)(b)

IMPORTANT INFORMATION

If you have any queries about this invoice, please contact [s22](#)

If we cannot resolve your concerns about our charges, you may be able to:

- (a) apply for an assessment of legal costs under Division 3.2.7 of Part 3.2 of the Legal Profession Act 2006 (ACT) (Act) within 12 months after the invoice is given to you by us; or if we do not give you an invoice, our charges are paid; and/or
- (b) apply to set aside the Costs Agreement under Section 288 of the Act.

You may be able to apply for an assessment of legal costs after the end of the period in certain circumstances. Remedies available if a complaint is made after more than 6 years may be limiting in certain circumstances.

Related services and expenses have been reduced to allow for any tax input credit available to us.

If we have identified certain related services and expenses that are (in our opinion) 'not subject to GST' and it is later determined that GST is payable on these related services and expenses, you must pay us that GST amount in addition to the GST exclusive amount stated.

PAYMENT OPTIONS

[s47G](#)

Please email your remittance advice to [s 11C\(1\)\(b\)](#)

Cheque

Please send your cheque payable to:

[s 11C\(1\)\(b\)](#)

ATTACHMENT TO TAX INVOICE

Cth - Department of Industry, Science, Energy and Resources

Date

29 January 2021

Matter 1328281

Description s42 (LEX 67026)

Lawyer Details

Initials	Name	Title	Time (hours)	Rate / hour	Total
s22	s22	s22	s47(1)(b)		
Total Time			—	—	

Narration Details

Date	Initials	Narration	Time (hours)	Rate / hour	Total
18/01/21	s22	s42	s47(1)(b)		
20/01/21					
20/01/21					
Total Time			—	—	

Financial Summary

	Previous invoices	This invoice	Total invoiced to date
Total Time	0.00	s47G	
Adjusted by	0.00		
Professional fees	0.00		
Related services & expenses	0.00		
Plus GST	0.00		
Total Invoiced	AUD 0.00		

s 11C(1)(b)

TAX INVOICE

Cth - Department of Industry, Science, Energy and
Resources
51 Allara Street
Canberra ACT 2601
AUSTRALIA

Date	16 February 2021
Invoice Number	10766252
Our Ref	s22 328289
ABN	s 11C(1)(b)

Description	s22 (LEX 67026)	
Your Ref	Area of Law: Public Law Practice Area: Freedom of Information, Privacy and Public Interest Disclosure Agency File Reference: LEX 67026 Order Number: SON3622041	
		Australian Dollars
Professional fees		
Professional fees - taxable		s47G
		<hr/>
Plus GST		
Total amount payable on receipt of invoice		<hr/> AUD <hr/>

For terms and conditions please see reverse
For details and breakdown please see attachment

s 11C(1)(b)

IMPORTANT INFORMATION

If you have any queries about this invoice, please contact [s22](#)

If we cannot resolve your concerns about our charges, you may be able to:

- (a) apply for an assessment of legal costs under Division 3.2.7 of Part 3.2 of the Legal Profession Act 2006 (ACT) (Act) within 12 months after the invoice is given to you by us; or if we do not give you an invoice, our charges are paid; and/or
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PAYMENT OPTIONS

[s47G](#)

Please email your remittance advice to [s 11C\(1\)\(b\)](#)

Cheque

Please send your cheque payable to:

[s 11C\(1\)\(b\)](#)

ATTACHMENT TO TAX INVOICE

Cth - Department of Industry, Science, Energy and Resources

Date

16 February 2021

Matter 1328289

Description s42 (LEX 67026)

Lawyer Details

Initials	Name	Title	Time (hours)	Rate / hour	Total
s22	s22	s22			
			s47(1)(b)		

Total Time

* Contains non-chargeable time entries

Narration Details

Date	Initials	Narration	Time (hours)	Rate / hour	Total
21/12/20	s22	s42			
			s47(1)(b)		
21/12/20					
21/12/20					
19/01/21					
20/01/21					
21/01/21					
21/01/21					
22/01/21					
22/01/21					
25/01/21					
25/01/21					
27/01/21					
27/01/21					
Total Time					

Financial Summary

	Previous invoices	This invoice	Total invoiced to date
Total Time	0.00	s47G	
Adjusted by	0.00		
Professional fees	0.00		
Related services & expenses	0.00		
Plus GST	0.00		
Total Invoiced	AUD 0.00		

s 11C(1)(b)

TAX INVOICE

Cth - Department of Industry, Science, Energy and
Resources
51 Allara Street
Canberra ACT 2601
AUSTRALIA

Date	26 February 2021
Invoice Number	10771734
Our Ref	s22 1328281
ABN	s 11C(1)(b)

Description s42 LEX 67026)

Your Ref Area of Law: Public Law
Practice Area: Freedom of Information, Privacy and Public Interest Disclosure
Agency File Reference: LEX 67026
Order Number: SON3622041

Australian Dollars

Professional fees

Professional fees - taxable

s47G

Plus GST

Total amount payable on receipt of invoice

s22

AUD

For terms and conditions please see reverse
For details and breakdown please see attachment

s 11C(1)(b)

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Matter 1328281

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Total Time			—		

Narration Details

Date	Initials	Narration	Time (hours)	Rate / hour	Total
22/01/21	s22	s42	s47(1)(b)		
10/02/21					
10/02/21					
16/02/21					
Total Time			—		

Financial Summary

	Previous invoices	This invoice	Total invoiced to date
Total Time	s47G		
Adjusted by			
Professional fees			
Related services & expenses			
Plus GST			
Total Invoiced			<u>AUD</u>

s 11C(1)(b)

TAX INVOICE

Cth - Department of Industry, Science, Energy and Resources
51 Allara Street
Canberra ACT 2601
AUSTRALIA

Date 26 February 2021
Invoice Number 10770842
Our Ref s22 1328289
ABN s 11C(1)(b)

Description s42 (LEX 67026)
Your Ref Area of Law: Public Law
Practice Area: Freedom of Information, Privacy and Public Interest Disclosure
Agency File Reference: LEX 67026
Order Number: SON3622041

Australian Dollars

Professional fees

Professional fees - taxable

s47G

Plus GST

Total amount payable on receipt of invoice s22

AUD

For terms and conditions please see reverse
For details and breakdown please see attachment

s 11C(1)(b)

IMPORTANT INFORMATION

If you have any queries about this invoice, please contact [s22](#)

If we cannot resolve your concerns about our charges, you may be able to:

- (a) apply for an assessment of legal costs under Division 3.2.7 of Part 3.2 of the Legal Profession Act 2006 (ACT) (Act) within 12 months after the invoice is given to you by us; or if we do not give you an invoice, our charges are paid; and/or
- (b) apply to set aside the Costs Agreement under Section 288 of the Act.

You may be able to apply for an assessment of legal costs after the end of the period in certain circumstances. Remedies available if a complaint is made after more than 6 years may be limiting in certain circumstances.

Related services and expenses have been reduced to allow for any tax input credit available to us.

If we have identified certain related services and expenses that are (in our opinion) 'not subject to GST' and it is later determined that GST is payable on these related services and expenses, you must pay us that GST amount in addition to the GST exclusive amount stated.

PAYMENT OPTIONS

[s47G](#)

Please email your remittance advice to [s 11C\(1\)\(b\)](#)

Cheque

Please send your cheque payable to:
[s 11C\(1\)\(b\)](#)

ATTACHMENT TO TAX INVOICE

Cth - Department of Industry, Science, Energy and Resources

Date

26 February 2021

Matter 1328289

Description s42 (LEX 67026)

Lawyer Details

Initials	Name	Title	Time (hours)	Rate / hour	Total
s22	s22	s22	s47(1)(b)		

Total Time

—
—

Narration Details

Date	Initials	Narration	Time (hours)	Rate / hour	Total
28/01/21	s22	s42	s47(1)(b)		

28/01/21

28/01/21

28/01/21

29/01/21

29/01/21

29/01/21

01/02/21

01/02/21

01/02/21

01/02/21

01/02/21

01/02/21

01/02/21

01/02/21

01/02/21

02/02/21

Date	Initials	Narration	Time (hours)	Rate / hour	Total
		s42			
			s47(1)(b)		
02/02/21	s22				
02/02/21					
02/02/21					
02/02/21					
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08/02/21					
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08/02/21					

Date	Initials	Narration	Time (hours)	Rate / hour	Total
09/02/21	s22	s42		s47(1)(b)	
09/02/21					
09/02/21					
09/02/21					
09/02/21					
09/02/21					
09/02/21					
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15/02/21					

Date	Initials	Narration	Time (hours)	Rate / hour	Total
		s42			
22/02/21	s22		s47(1)(b)		
Total Time			—		—

Financial Summary

	Previous invoices	This invoice	Total invoiced to date
Total Time	s47G		
Adjusted by			
Professional fees			
Related services & expenses			
Plus GST			
Total Invoiced			<u><u>AUD</u></u>

Freedom of Information

From: Legal PMU
Sent: Monday, 29 March 2021 11:14 AM
To: Procurement Inbox
Cc: s22
Subject: Contract Variation - 019853 - s 11C(1)(b) - LEX 67026 [SEC=OFFICIAL]
Attachments: s42 - Update on fee progress and s42
s 11C(1)(b) FID59542821; Legal Service VARIATION cn019853 LEX 67026.docx;
FW: s42 - s 11C Work Order LEX 67026
[SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Hi team,

Please find attached for a variation to the above contract:

- s 11C(1)(b) quote;
- Delegate email approval; and
- S23 variation form.

Could you please upload to TechOne to record the Delegate's formal approval?

Many thanks!

s22

Department of Industry, Science, Energy and Resources | www.industry.gov.au

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OFFICIAL

Variation – Delegate Approval Request Form

019853SON3622041 | Legal Services Panel – Whole of Australian Government

This form is only required for variations that increase the contract value, change the end date, terminate the contract or cancel the contract.

*NOTE: Approval is to be provided in accordance with the relevant power or legislative authority (e.g. PGPA Act s23, FFSP Act s32B, IR&D Act)

If you require any additional assistance completing the form please email: Procurementinbox@industry.gov.au

Variation Description [Not reported on AusTender]	Increase of current contract		
Contact Details			
Contact Officer	s22	Contact Manager	s22
Division/Branch/Section	Corporate and Digital, Legal Audit and Assurance	Delegate name and position	s22
Contract details			
Contract number being varied [Format: 011846]	019853	Contractor/supplier & specified personnel (if applicable)	s 11C(1)(b)
Variation details			
Contract value to increase?	Yes		
Current contract value (GST inclusive)	\$50,000		
Increase amount (GST inclusive)	\$90,000		
New total amount (GST inclusive)	\$140,000		
Is future year funding required? [if 'Yes', enter financial year allocations]	No FY allocations (if applicable)		
End date to be extended?	No	New end date	Select date
Contract will be terminated or cancelled?*	No	Proposed termination or cancellation date	Select date
Reason for termination or cancellation	NA		

* Legal advice may be required and should be attached if the contract will be terminated or cancelled

Background/Value for money justification

s47(E)(d)

s47E(d)

Procurement Risk

s47E(d)

Freedom of Information

From: s22
Sent: Friday, 26 March 2021 3:36 PM
To: s22
Subject: FW: s42 - s 11C (1)(b) Work Order LEX 67026 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]
Attachments: s42 - Update on fee progress and s42 [s 11C (1)(b) FID5954282]
Follow Up Flag: Follow up
Flag Status: Flagged

Hi s22

Could you please help me with preparing the necessary documents to increase the s 11C(1)(b) work order (LEX 67026)?

I've got the quote (attached) and the s23 approval for it (email chain below).

Please let me know if you need anything else or if you don't have capacity.

Thanks!

s22

Department of Industry, Science, Energy and Resources | www.industry.gov.au

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Tracked Changes: Documents attached to this email may contain 'tracked changes' or comments which have been inserted for your benefit. Please ensure that all 'tracked changes' and comments are removed from your document before these attachments are sent externally.

This advice is subject to legal professional privilege.

**OFFICIAL: Sensitive
Legal privilege**

From: s22
Sent: Friday, 26 March 2021 3:21 PM
To: s22 @industry.gov.au; s22 @industry.gov.au; s22 @industry.gov.au;
Cc: Freedom of Information <FOI@industry.gov.au>; s22 @industry.gov.au; Incubator Support Programme Management <IncubatorSupport.ProgrammeManagement@industry.gov.au>; s22 @industry.gov.au
Subject: RE: s42 - s42 and monthly s42 s 11C(1)(b) estimat b) [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]
s 11C(1)(b) FID5954282]

Hi s22

I approve under s23 of the PGPA Act to increase the work order with b) s 11C(1)(b) by \$90,000 making the total contract value \$140,000.

Thanks

s22

OFFICIAL: Sensitive
Legal privilege

From: s22

Sent: Friday, 26 March 2021 2:57 PM

To: s22 @industry.gov.au>; s22

@industry.gov.au>; s22

@industry.gov.au>

Cc: Freedom of Information <FOI@industry.gov.au>; s22 @industry.gov.au>; Incubator Support Programme Management <IncubatorSupport.ProgrammeManagement@industry.gov.au>; s22

@industry.gov.au>

Subject: RE: s42 s42 and s42 processing estimat s 11C(1)(b)

s 11C(1)(b) ID5954282] [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Hi s22

I was just about to pick up the phone to call you!

Thank you for your instructions. We have received an updated estimate from s 11C(1)(b) (attached), s42

s42

Increasing Work Order Value

The work order expires on 30 June 2021 so there is no need to extend it now, however, we do need to increase the value of the work order.

s 47(1)(b) is an increase of \$90,000, making the total contract value \$140,000.

Could you please confirm that you provide your approval under s23 of the PGPA Act to increase the work order with s 11C(1)(b) by \$90,000.

s42

I look forward to hearing from you.

Thanks!

s22

Department of Industry, Science, Energy and Resources | www.industry.gov.au

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OFFICIAL: Sensitive
Legal privilege

From: s22
Sent: Friday, 26 March 2021 2:33 PM
To: s22 <@industry.gov.au>; s22 <@industry.gov.au>;
s22 <@industry.gov.au>
Cc: Freedom of Information <FOI@industry.gov.au>; s22 <@industry.gov.au>; Incubator Support Programme Management <IncubatorSupport.ProgrammeManagement@industry.gov.au>; s22 <@industry.gov.au>
Subject: RE: s42 - s42 and monthly s42 estimate s 11C(1)(b)
s 11C(1)(b) ID5954282] [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Afternoon s22 ,

Thank you for the update on the s42 .

I have confirmed with s22 she would like to extend the work order for another 3 months based on the estimated monthly cost of between s47G as provided by s 11C(1)(b) s42

s22 has time booked with s22 at 11am Tuesday, 30 March to discuss the matter- do you need an additional meeting?

Please let me

Thanks

s22

OFFICIAL: Sensitive
Legal privilege

From: s22
Sent: Wednesday, 24 March 2021 6:06 PM
To: s22 <@industry.gov.au>; s22 <@industry.gov.au>;
s22 <@industry.gov.au>; s22 <@industry.gov.au>
Cc: Freedom of Information <FOI@industry.gov.au>; s22 <@industry.gov.au>; Incubator Support Programme Management <IncubatorSupport.ProgrammeManagement@industry.gov.au>; s22

s22 @industry.gov.au>
Subject: FW: s42 - s42 and s42 estimate s 11C(1)(b)
s 11C(1) ID5954282] [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]
(b)

Dear s22

I am writing to give you an update on the s42 and to set up a meeting to discuss them
and increasing the work order with s 11C(1)(b)

s42

s 11C(1)(b) **Work Order**

s 11C(1)(b) has proposed an estimated monthly cost of between s47G The value of the work done in
February came to s47G , including the work on the s42 , so this seems to be a reasonable rate if the s42

The current work order with s 11C(1)(b) has s47G remaining on it. Given the s42 that we are
sending to s 11C(1)(b) we will need to make a decision about increasing the work order soon and preferably before the
end of the month.

s42

Please let us know when you are available to discuss.

We look forward to hearing from you.

Thanks!

s22

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This advice is subject to legal professional privilege.

2 pages removed under s42 of the FOI Act as privileged information

s 11C(1)(b)

TAX INVOICE

Cth - Department of Industry, Science, Energy and
Resources
51 Allara Street
Canberra ACT 2601
AUSTRALIA

Date	31 March 2021
Invoice Number	10786558
Our Ref	s22 328281
ABN	s 11C(1)(b)

Description	s22 .EX 67026)
Your Ref	Area of Law: Public Law Practice Area: Freedom of Information, Privacy and Public Interest Disclosure Agency File Reference: LEX 67026 Order Number: SON3622041

Australian Dollars

Professional fees

Professional fees - taxable

s47G

Plus GST

Total amount payable on receipt of invoice**AUD**

s 11C(1)(b)

For terms and conditions please see reverse
For details and breakdown please see attachment

s 11C(1)(b)

IMPORTANT INFORMATION

If you have any queries about this invoice, please contact [s22](#)

If we cannot resolve your concerns about our charges, you may be able to:

- (a) apply for an assessment of legal costs under Division 3.2.7 of Part 3.2 of the Legal Profession Act 2006 (ACT) (Act) within 12 months after the invoice is given to you by us; or if we do not give you an invoice, our charges are paid; and/or
- (b) apply to set aside the Costs Agreement under Section 288 of the Act.

You may be able to apply for an assessment of legal costs after the end of the period in certain circumstances. Remedies available if a complaint is made after more than 6 years may be limiting in certain circumstances.

Related services and expenses have been reduced to allow for any tax input credit available to us.

If we have identified certain related services and expenses that are (in our opinion) 'not subject to GST' and it is later determined that GST is payable on these related services and expenses, you must pay us that GST amount in addition to the GST exclusive amount stated.

PAYMENT OPTIONS

[s47G](#)

Please email your remittance advice to [s 11C\(1\)\(b\)](#)

Cheque

Please send your cheque payable to:

[s 11C\(1\)\(b\)](#)

ATTACHMENT TO TAX INVOICE

Cth - Department of Industry, Science, Energy and Resources

Date

31 March 2021

Matter 1328281

Description s22 LEX 67026)

Lawyer Details

Initials	Name	Title	Time (hours)	Rate / hour	Total
s22	s22	s22	s47(1)(b)		
Total Time			—		

Narration Details

Date	Initials	Narration	Time (hours)	Rate / hour	Total
19/03/21	s22	s42	s47(1)(b)		
25/03/21					
26/03/21					
30/03/21					
31/03/21					
Total Time			—		

Financial Summary

	Previous invoices	This invoice	Total invoiced to date
Total Time	s47G		
Adjusted by			
Professional fees			
Related services & expenses			
Plus GST			
Total Invoiced			<u>AUD</u>

s 11C(1)(b)

TAX INVOICE

Cth - Department of Industry, Science, Energy and
Resources
51 Allara Street
Canberra ACT 2601
AUSTRALIA

Date	31 March 2021
Invoice Number	10787195
Our Ref	s22 1328289
ABN	s 11C(1)(b)

Description	s42	i (LEX 67026)
Your Ref	Area of Law: Public Law Practice Area: Freedom of Information, Privacy and Public Interest Disclosure Agency File Reference: LEX 67026 Order Number: SON3622041	

Australian Dollars

Professional fees

Professional fees - taxable

s47G

Plus GST

Total amount payable on receipt of invoiceAUD

s 11C(1)(b)

For terms and conditions please see reverse
For details and breakdown please see attachment

s 11C(1)(b)

IMPORTANT INFORMATION

If you have any queries about this invoice, please contact [s22](#)

If we cannot resolve your concerns about our charges, you may be able to:

- (a) apply for an assessment of legal costs under Division 3.2.7 of Part 3.2 of the Legal Profession Act 2006 (ACT) (Act) within 12 months after the invoice is given to you by us; or if we do not give you an invoice, our charges are paid; and/or
- (b) apply to set aside the Costs Agreement under Section 288 of the Act.

You may be able to apply for an assessment of legal costs after the end of the period in certain circumstances. Remedies available if a complaint is made after more than 6 years may be limiting in certain circumstances.

Related services and expenses have been reduced to allow for any tax input credit available to us.

If we have identified certain related services and expenses that are (in our opinion) 'not subject to GST' and it is later determined that GST is payable on these related services and expenses, you must pay us that GST amount in addition to the GST exclusive amount stated.

PAYMENT OPTIONS

[s47G](#)

Please email your remittance advice to [s 11C\(1\)\(b\)](#)

Cheque

Please send your cheque payable to:

[s 11C\(1\)\(b\)](#)

ATTACHMENT TO TAX INVOICE

Cth - Department of Industry, Science, Energy and Resources

Date

31 March 2021

Matter 1328289

Description FOI Processing and Strategy Implementation (LEX 67026)

Lawyer Details

Initials	Name	Title	Time (hours)	Rate / hour	Total
s22	s22	s22	s47(1)(b)		

Total Time

—
—

* Contains non-chargeable time entries

Narration Details

Date	Initials	Narration	Time (hours)	Rate / hour	Total
03/02/21	s22	s42	s47(1)(b)		
05/02/21					
15/02/21					
15/02/21					
16/02/21					
19/02/21					
19/02/21					
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Date	Initials	Narration	Time (hours)	Rate / hour	Total
		s42			
	s22			s47(1)(b)	
24/02/21					
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Date	Initials	Narration	Time (hours)	Rate / hour	Total
		s42			
05/03/21	s22		s47(1)(b)		
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Date	Initials	Narration	Time (hours)	Rate / hour	Total
12/03/21	s22	s42		s47(1)(b)	
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Date	Initials	Narration	Time (hours)	Rate / hour	Total
18/03/21	s22	s42		s47(1)(b)	
18/03/21					
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Date	Initials	Narration	Time (hours)	Rate / hour	Total
25/03/21	s22	s42		s47(1)(b)	
25/03/21					
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Total Time			— —		

Financial Summary

	Previous invoices	This invoice	Total invoiced to date
Total Time	s47G		
Adjusted by			
Professional fees			
Related services & expenses			
Plus GST			
Total Invoiced			
	<hr/>		
	AUD		
	<hr/>		

Freedom of Information

From: Legal PMU
Sent: Wednesday, 7 April 2021 3:37 PM
To: Procurement Inbox
Cc: s22
Subject: RE: VARIATION APPROVED_PRV-00007017: Contract Variation - 019853 - s 11C(1)(b) - LEX 67026 [SEC=OFFICIAL]
Attachments: s22
 s 11C (1)(b) FID5954282] [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] s 11C (1)(b)

Hi s22

Thanks for that – please find attached the original Order for Services, and our agreement with (b) s 11C(1) on the increase.

Please let me know if you need anything else.

Thank you!

s22

OFFICIAL

From: Procurement Inbox
Sent: Wednesday, 7 April 2021 12:15 PM
To: Legal PMU ; Procurement Inbox
Cc: s22
Subject: VARIATION APPROVED_PRV-00007017: Contract Variation - 019853 - s 11C(1)(b) - LEX 67026 [SEC=OFFICIAL]

Hi s22

Your procurement variation request has been **Delegate Approved (Stage 2)**.

ACTION: Provide a signed copy of the agreement in reply to this email within 5 business days to enable our team to upload a copy into TechOne: **14/04/21**. Please advise if you anticipate any delays.

***Important notes:**

- *Goods/Services may not commence until the contract has been signed and dated by both parties.*
- *You must provide a copy of the signed contract to the Procurement and Financial Policy team as soon as signed, to allow the department to meet its obligation of reporting details of relevant contracts on AusTender within 42 days of the start date. If you envisage delays in being able to provide this contract, please notify us immediately so that other arrangements can be made.*

Procurement Reference	PRV-00007017
Contract Number	019853
Supplier	s 11C(1)(b)
Variation Description	Increase of current contract
Approved Increase Value	\$90,000.00 (GST incl.)

Approved Increase to End Date	NA
-------------------------------	----

Where your variation includes specified personnel who require access to the Department's Property, ICT Network and Information Management Systems, please ensure the contractor extension is processed through Page Up using this [LINK](#).

Thank you.

Kind regards,
s22

s22

Department of Industry, Innovation and Science | www.industry.gov.au

s22

10 Binara Street, Canberra City ACT 2601
GPO Box 9839, Canberra ACT 2601
ABN 74 599 608 295

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We are collaborative, innovative, respectful and strive for excellence

'Our department recognises the First Peoples of this nation and their ongoing connection to culture and country. We acknowledge First Nations Peoples as the Traditional Owners, Custodians and Lore Keepers of the world's oldest living culture and pay respects to Elders past, present and emerging.'



If unwell – seek medical advice



Social-distance



Wash hands



Clean surfaces



Stay connected



Be kind

Be supportive. Be informed. Be safe. Be kind. COVID-19

OFFICIAL

From: Legal PMU

Sent: Monday, 29 March 2021 11:14 AM

To: Procurement Inbox <procurementinbox@industry.gov.au>

Cc: s22 <s22@industry.gov.au>; s22 <s22@industry.gov.au>

Subject: PRV-00007017: Contract Variation - 019853 - s 11C(1)(b) - LEX 67026 [SEC=OFFICIAL]

Hi team,

Please find attached for a variation to the above contract:

- s 11C(1)(b) quote;
- Delegate email approval; and
- S23 variation form.

Could you please upload to TechOne to record the Delegate's formal approval?

Many thanks!

Department of Industry, Science, Energy and Resources | www.industry.gov.au

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OFFICIAL

SON3622041 | Legal Services Panel – Whole of Australian Government | Order

Order for Legal Services

Attn: s22

s 11C(1)(b)

s 11C(1)(b)

Sent via: email: s47G

Agency Order Information

Agency	Department of Industry, Science, Energy and Resources
Agency File Reference	LEX 67026

Order Commencement Date and Term

Order Commencement Date	17/12/2020
Order Term and Extensions	Until 30/06/2020 (Initial Term).

Statement of Work

Personnel	s22
Statement of Work	As per the RFQ sent on 10 December 2020 and the response received on 15 December 2020 and as reasonably requested by the Agency.
Fees and Disbursements	\$50,000 (GST inclusive) capped, s 47(1)(b)

Order for Legal Services**Agency Information**

Agency Address for Notices:	Physical Address: 10 Binara St Canberra ACT 2600 Postal Address: GPO 2013 Canberra ACT 2600 Email: LegalPMU@industry.gov.au
Agency Address for Invoices:	Accounts@industry.gov.au AND LegalPMU@industry.gov.au
Action Required:	Please respond with your acknowledgement of this Order via return email. If you would prefer to reject this Order, please complete the table below.

Legal Services Provider Response to Order

A separate Contract will be formed between the Legal Services Provider and an Agency when an Agency issues an Order to the Legal Services Provider unless the Order is rejected in accordance with clause 11.3.4.

Reject Order	<p>Legal Services Provider may reject an order for the following reasons:</p> <table border="1"> <tr> <td>Conflict of Interest</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Insufficiently skilled Personnel to perform the Legal Services required</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Unable to perform the Legal Services within the required timeframes</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Order is not substantially in accordance with the RFQ (if applicable) or the terms of the Head agreement</td> <td><input type="checkbox"/></td> </tr> </table>	Conflict of Interest	<input type="checkbox"/>	Insufficiently skilled Personnel to perform the Legal Services required	<input type="checkbox"/>	Unable to perform the Legal Services within the required timeframes	<input type="checkbox"/>	Order is not substantially in accordance with the RFQ (if applicable) or the terms of the Head agreement	<input type="checkbox"/>
Conflict of Interest	<input type="checkbox"/>								
Insufficiently skilled Personnel to perform the Legal Services required	<input type="checkbox"/>								
Unable to perform the Legal Services within the required timeframes	<input type="checkbox"/>								
Order is not substantially in accordance with the RFQ (if applicable) or the terms of the Head agreement	<input type="checkbox"/>								
Conflict of Interest	<i>[If you do not wish to reject the Order for Conflict of Interest, include details of any Conflict of Interest and how the Legal Services Provider proposes to resolve or otherwise deal with the Conflict of Interest]</i>								
Other Comments	<i>[Any other relevant comments]</i>								

Freedom of Information

From: s22
Sent: Friday, 26 March 2021 3:39 PM
To: s22
Subject: FW: s42 - Update on fee progress and s42
[ME-ME.FID5954282] [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Follow Up Flag: Follow up
Flag Status: Flagged

Hi s22

Here is our acceptance of s 11C(1)(b) quote.

Thanks!

s22

OFFICIAL: Sensitive
Legal privilege

From: s22
Sent: Friday, 26 March 2021 3:38 PM
To: 's22' <[REDACTED]@industry.gov.au>
Subject: RE: s42 - Update on fee progress and estimate for s42 s 11C(1)(b)
s 11C(1)(b) FID5954282] [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Hi s22

Thank you for the updated estimate below and for your time on the phone.

I confirm that the estimate is accepted.

s42

Thank you for your assistance.

Kind regards

s22

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This advice is subject to legal professional privilege.

2 pages removed under s42 of the FOI Act as privileged information

Freedom of Information

From: Procurement Inbox
Sent: Wednesday, 7 April 2021 12:15 PM
To: Legal PMU; Procurement Inbox
Cc: s22
Subject: VARIATION APPROVED_PRV-00007017: Contract Variation - 019853 - s 11C(1)(b)
 - LEX 67026 [SEC=OFFICIAL]
Attachments: s42 - Update on fee progress and s42
 s 11C(1).FID59542821; Legal Service VARIATION cn019853 LEX 67026.docx;
 FW: s42(b) s 11C(1)(b) Work Order LEX 67026
 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Hi s22 ,

Your procurement variation request has been **Delegate Approved (Stage 2)**.

ACTION: Provide a signed copy of the agreement in reply to this email within 5 business days to enable our team to upload a copy into TechOne: **14/04/21**. Please advise if you anticipate any delays.

***Important notes:**

- *Goods/Services may not commence until the contract has been signed and dated by both parties.*
- *You must provide a copy of the signed contract to the Procurement and Financial Policy team as soon as signed, to allow the department to meet its obligation of reporting details of relevant contracts on AusTender within 42 days of the start date. If you envisage delays in being able to provide this contract, please notify us immediately so that other arrangements can be made.*

Procurement Reference	PRV-00007017
Contract Number	019853
Supplier	s 11C(1)(b)
Variation Description	Increase of current contract
Approved Increase Value	\$90,000.00 (GST incl.)
Approved Increase to End Date	NA

Where your variation includes specified personnel who require access to the Department's Property, ICT Network and Information Management Systems, please ensure the contractor extension is processed through Page Up using this [LINK](#).

Thank you.

Kind regards,

s22

Supporting economic growth and job creation for all Australians

We are collaborative, innovative, respectful and strive for excellence

'Our department recognises the First Peoples of this nation and their ongoing connection to culture and country. We acknowledge First Nations Peoples as the Traditional Owners, Custodians and Lore Keepers of the world's oldest living culture and pay respects to Elders past, present and emerging.'



If unwell – seek
medical advice



Social-distance



Wash hands



Clean surfaces



Stay connected



Be kind

Be supportive. Be informed. Be safe. Be kind. COVID-19

OFFICIAL

From: Legal PMU

Sent: Monday, 29 March 2021 11:14 AM

To: Procurement Inbox

Cc: s22

Subject: PRV-00007017: Contract Variation - 019853 - s 11C(1)(b) - LEX 67026 [SEC=OFFICIAL]

Hi team,

Please find attached for a variation to the above contract:

- s 11C(1)(b) quote;
- Delegate email approval; and
- S23 variation form.

Could you please upload to TechOne to record the Delegate's formal approval?

Many thanks!

s22

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OFFICIAL

Variation – Delegate Approval Request Form

019853SON3622041 | Legal Services Panel – Whole of Australian Government

This form is only required for variations that increase the contract value, change the end date, terminate the contract or cancel the contract.

*NOTE: Approval is to be provided in accordance with the relevant power or legislative authority (e.g. PGPA Act s23, FFSP Act s32B, IR&D Act)

If you require any additional assistance completing the form please email: Procurementinbox@industry.gov.au

Variation Description [Not reported on AusTender]	Increase of current contract		
Contact Details			
Contact Officer	s22	Contact Manager	s22
Division/Branch/Section	Corporate and Digital, Legal Audit and Assurance	Delegate name and position	s22
Contract details			
Contract number being varied [Format: 011846]	019853	Contractor/supplier & specified personnel (if applicable)	s 11C(1)(b)
Variation details			
Contract value to increase?	Yes		
Current contract value (GST inclusive)	\$50,000		
Increase amount (GST inclusive)	\$90,000		
New total amount (GST inclusive)	\$140,000		
Is future year funding required? [if 'Yes', enter financial year allocations]	No FY allocations (if applicable)		
End date to be extended?	No	New end date	Select date
Contract will be terminated or cancelled?*	No	Proposed termination or cancellation date	Select date
Reason for termination or cancellation	NA		

* Legal advice may be required and should be attached if the contract will be terminated or cancelled

Background/Value for money justification

s 11C(1)(b) has been engaged to assist the department with processing a very high volume of FOI requests in relation to the Incubator Support Initiative. The number of FOI requests has increased again and multiple requests are received each week. This requires an increase to the original work order amount. s 11C(1)(b) has provided an updated estimate to reflect the increased number of requests, which is consistent with the work done up until now and is reasonable given the sensitivities and complexity of the FOI requests.

s47E(d)

Procurement Risk

s47E(d)

Freedom of Information

From: s22
Sent: Friday, 26 March 2021 3:36 PM
To: s22 s 11C(1)(b)
Subject: FW: s42 b) Work Order LEX 67026
[SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]
Attachments: s42 - Update on fee progress and s42
s 11C(1)(b) .FID5954282]
Follow Up Flag: Follow up
Flag Status: Flagged

Hi s22

Could you please help me with preparing the necessary documents to increase the b) s 11C(1)(work order (LEX 67026)?

I've got the quote (attached) and the s23 approval for it (email chain below).

Please let me know if you need anything else or if you don't have capacity.

Thanks!

s22

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**OFFICIAL: Sensitive
Legal privilege**

From: s22
Sent: Friday, 26 March 2021 3:21 PM
To: s22 @industry.gov.au>; s22 @industry.gov.au>;
s22 @industry.gov.au>
Cc: Freedom of Information <FOI@industry.gov.au>; s22 @industry.gov.au>; Incubator Support
Programme Management <IncubatorSupport.ProgrammeManagement@industry.gov.au>; s22
s22 @industry.gov.au>
Subject: RE: s42 - s42 and monthly s42 [ME-
ME.FID5954282] [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Hi s22

I approve under s23 of the PGPA Act to increase the work order with s 11C(1)(b) by \$90,000 making the total contract value \$140,000.

Thanks

s22

OFFICIAL: Sensitive
Legal privilege

From: s22

Sent: Friday, 26 March 2021 2:57 PM

To: s22 @industry.gov.au>; s22

s22 @industry.gov.au>; s22 @industry.gov.au>

Cc: Freedom of Information <FOI@industry.gov.au>; s22 @industry.gov.au>; Incubator Support Programme Management <IncubatorSupport.ProgrammeManagement@industry.gov.au>; s22

s22 @industry.gov.au>

Subject: RE: s42 - s42 and monthly s42 estimate s 11C(1)(b)

s 11C(1)(b) FID5954282] [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Hi s22

I was just about to pick up the phone to call you!

Thank you for your instructions. We have received an updated estimate from s 11C(1)(b) attached), s42

Increasing Work Order Value

The work order expires on 30 June 2021 so there is no need to extend it now, however, we do need to increase the value of the work order.

s 47(1)(b) is an increase of \$90,000, making the total contract value \$140,000.

Could you please confirm that you provide your approval under s23 of the PGPA Act to increase the work order with s 11C(1)(b) by \$90,000.

s42

I look forward to hearing from you.

Thanks!

s22

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OFFICIAL: Sensitive
Legal privilege

From: s22

Sent: Friday, 26 March 2021 2:33 PM

To: s22 @industry.gov.au; s22 @industry.gov.au;
s22 @industry.gov.au

Cc: Freedom of Information <FOI@industry.gov.au>; s22 @industry.gov.au; Incubator Support Programme Management <IncubatorSupport.ProgrammeManagement@industry.gov.au>; s22

s22 @industry.gov.au

Subject: RE: s42 s42 and monthly s42 estimate s 11C(1)(b)
s 11C(1)(h) .FID5954282] [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Afternoon s22

Thank you for the update on the s42

I have confirmed with s22 she would like to extend the work order for another 3 months based on the estimated monthly cost of between s47G as provided by s 11C(1)(b) 42

s22 has time booked with s22 at 11am Tuesday, 30 March to discuss the matter- do you need an additional meeting?

Please let me

Thanks

s22

OFFICIAL: Sensitive
Legal privilege

From: s22

Sent: Wednesday, 24 March 2021 6:06 PM

To: s22 @industry.gov.au; s22
s22 @industry.gov.au; s22 @industry.gov.au

Cc: Freedom of Information <FOI@industry.gov.au>; s22 @industry.gov.au; Incubator Support Programme Management <IncubatorSupport.ProgrammeManagement@industry.gov.au>; s22

s22 @industry.gov.au>

Subject: FW: s42 - s42

and monthly s42

s 11C(1)(b)

s 11C(1)(b) (FID5954282) [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Dear s22

I am writing to give you an update on s42 and increasing the work order with s 11C(1)(b)

and to set up a meeting to discuss them

s42

s 11C(1)(b) **Work Order**

s 11C(1)(b) has proposed an estimated monthly cost of between s47G February came to s47G including the s42 matters continue to come in at the same volume.

The value of the work done in so this seems to be a reasonable rate if the ISI

The current work order with s 11C(1) has s47G remaining on it. s42 we will need to make a decision about increasing the work order soon and preferably before the end of the month.

s42

We look forward to hearing from you.

Thanks!

s22

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2 pages removed under s42 of the FOI Act as privileged information

Freedom of Information

From: Procurement Inbox
Sent: Wednesday, 28 April 2021 2:22 PM
To: Legal PMU; Procurement Inbox
Cc: s22
Subject: COMPLETE CO27000710_PRV-00007017: Contract Variation - 019853 - s 11C(1)(b) - LEX 67026 [SEC=OFFICIAL]

Follow Up Flag: Follow up
Flag Status: Flagged

Hi s22

Your request to increase the value by \$90,000.00 for contract 019853 with s 11C(1)(b) is now complete. Please continue to use Purchase order CO27000710 for this contract.

Thank you.

Kind regards,
s22

Department of Industry, Innovation and Science | www.industry.gov.au

OFFICIAL

From: Legal PMU
Sent: Wednesday, 7 April 2021 3:37 PM
To: Procurement Inbox <procurementinbox@industry.gov.au>
Cc: s22 @industry.gov.au; s22 @industry.gov.au
Subject: RE: VARIATION APPROVED_PRV-00007017: Contract Variation - 019853 - s 11C(1)(b) - LEX 67026 [SEC=OFFICIAL]

Hi s22 ,

Thanks for that – please find attached the original Order for Services, and our agreement withb) s 11C(1)(on the increase.

Please let me know if you need anything else.

Thank you!
s22

Legal, Audit and Assurance Branch

OFFICIAL

From: Procurement Inbox
Sent: Wednesday, 7 April 2021 12:15 PM
To: Legal PMU <LegalPMU@industry.gov.au>; Procurement Inbox <procurementinbox@industry.gov.au>

Cc: s22

@industry.gov.au; s22@industry.gov.au

Subject: VARIATION APPROVED_PRV-00007017: Contract Variation - 019853 - s 11C(1)(b) - LEX 67026
 [SEC=OFFICIAL]

Hi s22

Your procurement variation request has been **Delegate Approved (Stage 2)**.

ACTION: Provide a signed copy of the agreement in reply to this email within 5 business days to enable our team to upload a copy into TechOne: **(14/04/21)**. Please advise if you anticipate any delays.

***Important notes:**

- *Goods/Services may not commence until the contract has been signed and dated by both parties.*
- *You must provide a copy of the signed contract to the Procurement and Financial Policy team as soon as signed, to allow the department to meet its obligation of reporting details of relevant contracts on AusTender within 42 days of the start date. If you envisage delays in being able to provide this contract, please notify us immediately so that other arrangements can be made.*

Procurement Reference	PRV-00007017
Contract Number	019853
Supplier	s 11C(1)(b)
Variation Description	Increase of current contract
Approved Increase Value	\$90,000.00 (GST incl.)
Approved Increase to End Date	NA

Where your variation includes specified personnel who require access to the Department's Property, ICT Network and Information Management Systems, please ensure the contractor extension is processed through Page Up using this [LINK](#) .

Thank you.

Kind regards.

s22

Department of Industry, Innovation and Science | www.industry.gov.au

s22

10 Binara Street, Canberra City ACT 2601
 GPO Box 9839, Canberra ACT 2601
 ABN 74 599 608 295

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If unwell – seek medical advice



Social-distance



Wash hands



Clean surfaces



Stay connected



Be kind

Be supportive. Be informed. Be safe. Be kind. COVID-19

OFFICIAL

From: Legal PMU

Sent: Monday, 29 March 2021 11:14 AM

To: Procurement Inbox <procurementinbox@industry.gov.au>

Cc: s22 <s22@industry.gov.au>; s22 <s22@industry.gov.au>

Subject: PRV-00007017: Contract Variation - 019853 - s 11C(1)(b) - LEX 67026 [SEC=OFFICIAL]

Hi team,

Please find attached for a variation to the above contract:

- s 11C(1)(b) quote;
- Delegate email approval; and
- S23 variation form.

Could you please upload to TechOne to record the Delegate's formal approval?

Many thanks!

s22

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OFFICIAL

s 11C(1)(b)

TAX INVOICE

Cth - Department of Industry, Science, Energy and Resources
51 Allara Street
Canberra ACT 2601
AUSTRALIA

Date 30 April 2021
Invoice Number 10796101
Our Ref s22 1328281
ABN s 11C(1)(b)

Description s42 LEX 67026)
Your Ref Area of Law: Public Law
Practice Area: Freedom of Information, Privacy and Public Interest Disclosure
Agency File Reference: LEX 67026
Order Number: SON3622041

Australian Dollars

Professional fees

Professional fees - taxable

s47G

Plus GST

Total amount payable on receipt of invoice

AUD

For terms and conditions please see reverse
For details and breakdown please see attachment

s22

s 11C(1)(b)

IMPORTANT INFORMATION

If you have any queries about this invoice, please contact **s22**

If we cannot resolve your concerns about our charges, you may be able to:

- (a) apply for an assessment of legal costs under Division 3.2.7 of Part 3.2 of the Legal Profession Act 2006 (ACT) (Act) within 12 months after the invoice is given to you by us; or if we do not give you an invoice, our charges are paid; and/or
- (b) apply to set aside the Costs Agreement under Section 288 of the Act.

You may be able to apply for an assessment of legal costs after the end of the period in certain circumstances.

Remedies available if a complaint is made after more than 6 years may be limiting in certain circumstances.

Related services and expenses have been reduced to allow for any tax input credit available to us.

If we have identified certain related services and expenses that are (in our opinion) 'not subject to GST' and it is later determined that GST is payable on these related services and expenses, you must pay us that GST amount in addition to the GST exclusive amount stated.

PAYMENT OPTIONS

s47G

s 11C(1)(b)

Please email your remittance advice to

Cheque

Please send your cheque payable to:

s 11C(1)(b)

ATTACHMENT TO TAX INVOICE

Cth - Department of Industry, Science, Energy and Resources

Date

30 April 2021

Matter 1328281

Description **s42** (LEX 67026)

Lawyer Details

Initials	Name	Title	Time (hours)	Rate / hour	Total
s22	s22	s22			
				s47(1)(b)	
Total Time			—		
			—		

Narration Details

Date	Initials	Narration	Time (hours)	Rate / hour	Total
06/04/21	s22	s42			
				s47(1)(b)	
16/04/21					
Total Time			—		
			—		

Financial Summary

	Previous invoices	This invoice	Total invoiced to date
Total Time	s47G		
Adjusted by			
Professional fees			
Related services & expenses			
Plus GST			
Total Invoiced			<u>AUD</u>

s 11C(1)(b)

TAX INVOICE

Cth - Department of Industry, Science, Energy and
Resources
51 Allara Street
Canberra ACT 2601
AUSTRALIA

Date	03 May 2021
Invoice Number	10799832
Our Ref	s22 1328289
ABN	s 11C(1)(b)

Description	s42 (LEX 67026)	
Your Ref	Area of Law: Public Law Practice Area: Freedom of Information, Privacy and Public Interest Disclosure Agency File Reference: LEX 67026 Order Number: SON3622041	
		Australian Dollars
Professional fees		
Professional fees - taxable		s47G
Plus GST		
Total amount payable on receipt of invoice		<u>AUD</u>

For terms and conditions please see reverse
For details and breakdown please see attachment

s 11C(1)(b)

IMPORTANT INFORMATION

If you have any queries about this invoice, please contact [s22](#)

If we cannot resolve your concerns about our charges, you may be able to:

- (a) apply for an assessment of legal costs under Division 3.2.7 of Part 3.2 of the Legal Profession Act 2006 (ACT) (Act) within 12 months after the invoice is given to you by us; or if we do not give you an invoice, our charges are paid; and/or
- (b) apply to set aside the Costs Agreement under Section 288 of the Act.

You may be able to apply for an assessment of legal costs after the end of the period in certain circumstances. Remedies available if a complaint is made after more than 6 years may be limiting in certain circumstances.

Related services and expenses have been reduced to allow for any tax input credit available to us.

If we have identified certain related services and expenses that are (in our opinion) 'not subject to GST' and it is later determined that GST is payable on these related services and expenses, you must pay us that GST amount in addition to the GST exclusive amount stated.

PAYMENT OPTIONS

[s47G](#)

[s 11C\(1\)\(b\)](#)

Please email your remittance advice to

Cheque

Please send your cheque payable to:

[s 11C\(1\)\(b\)](#)

ATTACHMENT TO TAX INVOICE

Cth - Department of Industry, Science, Energy and Resources

Date

03 May 2021

Matter 1328289

Description s42 (LEX 67026)

Lawyer Details

Initials	Name	Title	Time (hours)	Rate / hour	Total
s22	s22	s22	s47(1)(b)		

Total Time

—
—

Narration Details

Date	Initials	Narration	Time (hours)	Rate / hour	Total
01/03/21	s22	s42	s47(1)(b)		
30/03/21					
30/03/21					
30/03/21					
30/03/21					
30/03/21					
30/03/21					
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30/03/21					
30/03/21					
30/03/21					
30/03/21					
31/03/21					
31/03/21					
31/03/21					

Date	Initials	Narration	Time (hours)	Rate / hour	Total
01/04/21	s22	s42	s47(1)(b)		
01/04/21					
01/04/21					
06/04/21					
06/04/21					
06/04/21					
07/04/21					
07/04/21					
07/04/21					
08/04/21	s22				
08/04/21					
08/04/21					
09/04/21					
09/04/21					

Date	Initials	Narration	Time (hours)	Rate / hour	Total
09/04/21	s22	s42		s47(1)(b)	
12/04/21					
12/04/21					
12/04/21					
13/04/21					
13/04/21					
13/04/21					
14/04/21					
14/04/21					
14/04/21	s22				
14/04/21					

Date	Initials	Narration	Time (hours)	Rate / hour	Total
15/04/21	s22	s42	s47(1)(b)		
15/04/21					
15/04/21	s22				
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20/04/21					
20/04/21					

Date	Initials	Narration	Time (hours)	Rate / hour	Total
		s42			
20/04/21	s22		s47(1)(b)		
21/04/21					
21/04/21					
21/04/21					
21/04/21					
22/04/21					
22/04/21					
23/04/21					
23/04/21					
23/04/21					
23/04/21					
26/04/21					
27/04/21					
28/04/21					

Date	Initials	Narration	Time (hours)	Rate / hour	Total
28/04/21	s22	s42	s47(1)(b)		

Total Time _____

Financial Summary

	Previous invoices	This invoice	Total invoiced to date
Total Time	s47G		
Adjusted by			
Professional fees			
Related services & expenses			
Plus GST			
Total Invoiced			<u>AUD</u>

s 11C(1)(b)

TAX INVOICE

Cth - Department of Industry, Science, Energy and Resources
51 Allara Street
Canberra ACT 2601
AUSTRALIA

Date 01 June 2021
Invoice Number 10814354
Our Ref s22 1328281
ABN s 11C(1)(b)

Description s22 (LEX 67026)
Your Ref Area of Law: Public Law
Practice Area: Freedom of Information, Privacy and Public Interest Disclosure
Agency File Reference: LEX 67026
Order Number: SON3622041

Australian Dollars

Professional fees s47G
Professional fees - taxable _____

Plus GST
Total amount payable on receipt of invoice _____ AUD

For terms and conditions please see reverse
For details and breakdown please see attachment

s22



s 11C(1)(b)

IMPORTANT INFORMATION

If you have any queries about this invoice, please contact [s22](#)

If we cannot resolve your concerns about our charges, you may be able to:

- (a) apply for an assessment of legal costs under Division 3.2.7 of Part 3.2 of the Legal Profession Act 2006 (ACT) (Act) within 12 months after the invoice is given to you by us; or if we do not give you an invoice, our charges are paid; and/or
- (b) apply to set aside the Costs Agreement under Section 288 of the Act.

You may be able to apply for an assessment of legal costs after the end of the period in certain circumstances. Remedies available if a complaint is made after more than 6 years may be limiting in certain circumstances.

Related services and expenses have been reduced to allow for any tax input credit available to us.

If we have identified certain related services and expenses that are (in our opinion) 'not subject to GST' and it is later determined that GST is payable on these related services and expenses, you must pay us that GST amount in addition to the GST exclusive amount stated.

PAYMENT OPTIONS

[s47G](#)

Please email your remittance advice to [s 11C\(1\)\(b\)](#)

Cheque

Please send your cheque payable to:

[s 11C\(1\)\(b\)](#)

ATTACHMENT TO TAX INVOICE

Cth - Department of Industry, Science, Energy and Resources

Date

01 June 2021

Matter 1328281

Description FOI Strategic Advice (LEX 67026)

Lawyer Details

Initials	Name	Title	Time (hours)	Rate / hour	Total
s22	s22	s22	s47(1)(b)		
Total Time			—	—	

Narration Details

Date	Initials	Narration	Time (hours)	Rate / hour	Total
30/04/21	s22	s22	s47(1)(b)		
04/05/21					
05/05/21					
06/05/21					
07/05/21					
Total Time			—	—	

Financial Summary

	Previous invoices	This invoice	Total invoiced to date
Total Time	s47G		
Adjusted by			
Professional fees			
Related services & expenses			
Plus GST			
Total Invoiced			<u>AUD</u>

Freedom of Information

From: s22
Sent: Tuesday, 22 June 2021 3:22 PM
To: s22
Cc: s22
Subject: Increase s 11C(1)(b) Work Order Amount to 30 June (LEX 67026) [SEC=OFFICIAL] s 11C
Attachments: RE: Work Order and Quote [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] s 11C (1)(b)
s 11C (1)(b) ID5954357]

Hi s22

As flagged, I have spoken with s 11C(1)(b) about increasing the work order for the s42 work. s42

Please see attached the quote for the work to be done in June. s42

The proposed increase is for \$36,000.

This will bring the total contract value to \$176,000. The amount is still within the EL2 level of authorisation. Could you please provide your approval for the purposes of s23 of the PGPA Act?

s42

Please let me know if you'd like to discuss.

Thanks!

s22

Department of Industry, Science, Energy and Resources | www.industry.gov.au

Supporting economic growth and job creation for all Australians

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This advice is subject to legal professional privilege.

OFFICIAL

Freedom of Information

From: s22
Sent: Tuesdav. 22 June 2021 3:52 PM
To: s22
Subject: RE: Increase s 11C(1)(b) Work Order Amount to 30 June (LEX 67026) [SEC=OFFICIAL]

Hi,

Approved.

Are you able to confirm which cost centre it is being charged against?

Thanks
s22

OFFICIAL

From: s22
Sent: Tuesday, 22 June 2021 3:22 PM
To: s22
Cc: s22
Subject: Increase s 11C(1)(b) Work Order Amount to 30 June (LEX 67026) [SEC=OFFICIAL]

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s42

s22

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Thanks!

s22
s22

Legal, Audit and Assurance Branch
Corporate and Digital Division
s22 [@industry.gov.au](mailto:s22@industry.gov.au)

Department of Industry, Science, Energy and Resources | www.industry.gov.au

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Freedom of Information

From: Legal PMU
Sent: Wednesday, 23 June 2021 11:33 AM
To: Procurement Inbox
Cc: s22
Subject: Contract Variation - 019853 - s 11C(1)(b) - LEX 67026 [SEC=OFFICIAL]
Attachments: Legal Service VARIATION cn019853 LEX 67026.docx; FW: LEX 67026 Work Order and Quote s 11C(1)(b) FID59543571 ISEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]; RE: Increase s 11C(1)(b) Work Order Amount to 30 June (LEX 67026) [SEC=OFFICIAL]

Hi team,

Please find attached for a variation to the above contract:

- Delegate approval;
- S23 variation form; and
- s 11C(1)(b) email agreement.

We note that the end date of this contract is 30 June 2021 – the increase to this contract is to cover expected invoices for services received to that date.

Could you please upload to TechOne to record the Delegate's formal approval?

Many thanks!

s22

s22

Legal, Audit and Assurance Branch
Corporate and Digital Division

s22 [@industry.gov.au](mailto:industry.gov.au)

Department of Industry, Science, Energy and Resources | www.industry.gov.au

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OFFICIAL

Variation – Delegate Approval Request Form

SON3622041 | Legal Services Panel – Whole of Australian Government

This form is only required for variations that increase the contract value, change the end date, terminate the contract or cancel the contract.

*NOTE: Approval is to be provided in accordance with the relevant power or legislative authority (e.g. PGPA Act s23, FFSP Act s32B, IR&D Act)

If you require any additional assistance completing the form please email: Procurementinbox@industry.gov.au

Variation Description [Not reported on AusTender]	Increase of current contract		
Contact Details			
Contact Officer	s22	Contract Manager	s22
Division/Branch/Section	Corporate and Digital, Legal Audit and Assurance	Delegate name and position	s22
Contract details			
Contract number being varied [Format: 011846]	019853	Contractor/supplier & specified personnel (if applicable)	s 11C(1)(b)
Variation details			
Contract value to increase?	Yes		
Current contract value (GST inclusive)	\$140,000		
Increase amount (GST inclusive)	\$36,000		
New total amount (GST inclusive)	\$176,000		
Is future year funding required? [if 'Yes', enter financial year allocations]	No FY allocations (if applicable)		
End date to be extended?	No	New end date	Select date
Contract will be terminated or cancelled?*	No	Proposed termination or cancellation date	Select date
Reason for termination or cancellation	NA		

* Legal advice may be required and should be attached if the contract will be terminated or cancelled

Background/Value for money justification

s47(E)(d)

s47E(d)

Procurement Risk

s47E(d)

Freedom of Information

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To: s22
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To: s22 @industry.gov.au>
Cc: s22 @industry.gov.au>; s22 @industry.gov.au>
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OFFICIAL

Freedom of Information

From: Procurement Inbox
Sent: Thursday, 1 July 2021 10:08 AM
To: Legal PMU
Cc: s22 Procurement Inbox
Subject: VARIATION COMPLETE: PRV-00007435 Contract Variation - 019853 - s 11C(1)(b)
- LEX 67026 [SEC=OFFICIAL]

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning,

Your request to increase contract 019853 with s 11C(1)(b) by \$36,000.00 is now complete.

Please continue to use purchase order CO27000710 for this contract.

Thank you.

Kind regards,

s22

Procurement and Financial Policy Section
Portfolio Budgets, Accounting and Financial Policy Branch - Corporate and Digital Division
Industry House

s22 industry.gov.au

Department of Industry, Science, Energy and Resources | www.industry.gov.au
10 Binara Street, Canberra City ACT 2601

OFFICIAL

From: Legal PMU
Sent: Wednesday, 23 June 2021 11:33 AM
To: Procurement Inbox <procurementinbox@industry.gov.au>
Cc: s22 @industry.gov.au>; s22 @industry.gov.au>
Subject: PRV-00007435 Contract Variation - 019853 - s 11C(1)(b) - LEX 67026 [SEC=OFFICIAL]

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