

# Expression of Interest

## Belmont Local Court Duty Service

### About the Service Agreement

Legal Aid NSW seeks to appoint a Law Practice or consortium for a fixed term Service Agreement (two years plus one year option) for private practitioners to undertake legal aid criminal law work, specifically to deliver criminal law duty solicitor services in Belmont Local Court. This model allows for greater capacity to provide a higher level of legal assistance to clients in the Belmont/Newcastle area.

#### Background

The aim of the Service Agreement is to deliver a consistent, high quality criminal law duty service to Belmont Local Court to better meet the needs of socially and economically disadvantaged clients.

Legal Aid NSW proposes a hybrid duty model for the Belmont Service, where:

1. The successful tenderer will undertake all duty and summary grant work at Belmont Local Court for 28 sittings days per 4-week month.
2. Legal Aid NSW's in-house practice will not provide back-up duty lawyer assistance. Approved delegates may be nominated by the law practice to assist as back up.

This model will require:

- The Law Practice to be willing to enter into a Service Agreement and be able to satisfy Legal Aid NSW that they can provide a responsive duty service to Belmont Local Court and have capacity to service that Court within 45-60-minute commute from the Court;
- Appointment to the Service will apply to the Law Practice and not to specific individual practitioners;
- Appointment to the Service will be for a period of two years plus one year option;
- Appointments to the Service will include duty work for 28 sittings days per 4 week month and associated defended hearings and diversion proceedings capped at an amount to be negotiated depending on the capacity of the successful law practice.

The Service Agreement will be reviewed and evaluated at every twelve (12) months from the date of commencement.

### Selection Process

All Expressions of Interest (EOI) will be considered by a selection committee comprising of a nominee of the Legal Aid NSW Executive Director Criminal Law, a nominee of the Director Legal Services and a nominee of the Legal Aid NSW Executive Director Client Service. The selection committee will make recommendations to the Chief Executive Officer or their delegate who will determine appointments to the Service.

During the assessment of the EOI, the selection committee may seek further information from a Law Practice in relation to the EOI and will contact referees nominated by the Law Practice.

The Law Practice acknowledges that:

- Legal Aid NSW is not bound to appoint any Law Practice expressing an interest in being appointed to the Service.

- A response to this EOI does not form a contract between the parties.
- Any agreement entered between the parties for this Service is not intended to place any ongoing binding legal obligations on any party beyond the Service.
- The parties do not intend to create a partnership, joint venture or agency relationship between the parties.

The EOI will be treated in confidence.

No extensions beyond the due date will be granted for lodgement of an EOI.

Law Practices will be advised in writing of the outcome of their EOI.

## Selection criteria

Law Practices who wish to be considered for appointment to the Service are invited to submit an EOI. To be considered, Law Practices must satisfy all selection criteria.

The EOI should address each of the selection criteria set out below and provide detailed information to demonstrate that the criteria are met. The EOI should not exceed 10 pages.

To be eligible, the Law Practice must be/have:

1. A Principal and/or Eligible Associate on the Legal Aid NSW Summary Crime Panel;
2. Able to access Belmont Local Court within a 45-60 minute commute;
3. Three years post-admission experience and devotion of not less than 50% of normal full-time practice to the area of criminal law in each year of the past three year period;
4. Experience or capacity to conduct criminal duty list work in a Local Court;
5. Proven experience delivering high quality legal services to socially and economically disadvantaged clients, both in person and electronically, and a demonstrated understanding of the complex needs of these clients;
6. Demonstrated cultural competency and experience in acting on behalf of Aboriginal and Torres Strait Islander clients;
7. Ability to provide a responsive service to the needs of Legal Aid NSW and its clients within the Belmont/Newcastle area. In order to satisfy this requirement, it would generally be expected that the principal place of business of the practitioner would be located within or in close proximity (within 45-60 minutes) to Belmont Local Court;
8. Knowledge of Legal Aid NSW policies, guidelines and procedures to determine applications of legal aid on a duty basis and advise clients about eligibility; or the capacity to rapidly acquire such knowledge;
9. A short proposal as to the capacity of the Law Practice to resource the Service, manage conflicts of interests and provide and maintain the duty service at Belmont Local Court; and
10. Willingness and ability to agree to and comply with the Legal Aid NSW [Service Agreement](#) and [Quality Standards](#) including reporting and administrative requirements.

## Additional documentation to be provided

### References

The EOI should provide the name and contact details (including telephone number and email address) of **two referees** who can attest to the ability of the Law Practice (Principal and/or Eligible Associates) to meet the above selection criteria.

Referees may be asked to provide information about their direct knowledge of a practitioner's skills and experience and their opinion on whether or not the Law Practice is suitable for appointment to the Service and the reasons for their opinion. They may also be asked to give their opinion about the extent to which the Law Practice meets the selection criteria. The comments and opinions of referees will be taken into account in the assessment of the EOI.

Nominated referees should be independent. They should not be employed by or have a commercial interest in the Law Practice expressing interest in the Service.

### **Financials**

The Selection Committee reserves the right to request the business financial statements of any Law Practice who have submitted an EOI.

## **How to apply**

An EOI must be emailed to [Cherie.Pittman@legalaid.nsw.gov.au](mailto:Cherie.Pittman@legalaid.nsw.gov.au) by **5:00pm on Monday 22 January 2024**.

When completing an EOI, a Law Practice should:

- address each selection criteria and supply all other relevant information as required to demonstrate that all the criteria are met;
- not assume that the selection committee knows of the expertise of the Principal or Eligible Associate in a particular area, past experience or achievements;
- adhere to the maximum page limit (10 pages); and
- provide the name and contact details of two referees.

## **Further Information**

### **Fee rates**

Law Practices allocated work under the Service Agreement will be:

- paid a lump sum daily fee for duty work, upon satisfactory completion of work and upon receipt of a tax invoice;
- paid in accordance with a grant of legal aid for a defended hearing; and
- paid an amount for administration costs. The successful Law Practice will be required to provide an estimate of costs.

### **Travel and expenses**

No additional payment for travel and expenses to the practitioner to service Belmont Local Court will be paid.

## **Enquiries**

Enquiries relating to the lodgement of the EOI should be directed to Cherie Pittman, Director Legal Services, Legal Aid NSW by email to [Cherie.Pittman@legalaid.nsw.gov.au](mailto:Cherie.Pittman@legalaid.nsw.gov.au) or on 0472 814 326.