

Sub Panels and Areas of Law

Note: Sub-Panel titles in the table are also links to more detailed information.

Sub Panel	Area of Law (a)	Area of Law (b)	Area of Law (c)	Area of Law (d)	Area of Law (e)	Area of Law (f)	Area of Law (g)	Area of Law (h)
1 Major Transactions	Major Infrastructure Projects	Construction	Major Commercial Matters	PPP's and associated transactions	Dispute Resolution	–	–	–
2 Commercial	Commercial and contractual matters	Media	Intellectual property	Information Technology	Insurance	Competition	Taxation	Construction
3 Planning, Property and Environment	Complex property advice and transactions	Routine / standard Property advice and transactions	Planning, environmental, heritage and natural resources	Statutory land acquisition processes	Corridor / Infrastructure and accreditation requirements	Crown Land	Local Government	–
4 Employment, Work Health & Safety	Employment and industrial relations	Visiting Practitioner Contract and Appointment Disputes and Appeals (Health only)	Hurt on Duty Matters (NSW Police only)	Work health and safety	Workers compensation	Discrimination	–	–
5 Government Regulatory and Administrative	Administrative, governance, statutory interpretation and advice	– [Areas 5(a) & 5(b) are merged]	Statutory applications	Enforcement, Regulation and Prosecution	Aviation	–	–	–
6 Litigation and Inquiries	Liability Litigation	General Litigation and Dispute Resolution	Debt Recovery	Inquiries	–	–	–	–

EXPLANATION OF AREAS OF LAW

Some Areas of Law are self-explanatory. However, other Areas of Law will incorporate numerous matters, as described below.

Sub Panel 1 - Major Transactions Sub Panel

This Sub Panel is intended to cover matters which are high complexity or high risk or both

- (a) **Major infrastructure projects.**
- (b) **Construction** (estimated value of total legal fees for matter in excess of \$250,000).
- (c) **Major commercial matters** including complex services and ICT contracts (estimated value of total legal fees for matter in excess of \$250,000).
- (d) **Public Private Partnerships** and associated transactions, which may also include review of and advice on debt and equity project funding, construction and operational issues.
- (e) **Dispute resolution** for areas of law under this Sub Panel (not covered by iCare), which may include matters such as:
 - SOPA claims/adjudications
 - Expert determination
 - Arbitration and other forms of alternative dispute resolution
 - Litigation

Sub Panel 2 - Commercial Law Sub Panel

Areas of Law (a), (d) and (h) of this Sub Panel are intended to cover matters which are outside the scope of Sub Panel 1.

- (a) **Commercial and contractual matters**, not covered by Sub Panel 1, which may include matters such as:
 - Professional Services and consultancy agreements
 - MoUs and inter-agency agreements
 - Licences
 - Funding agreements and grants
 - Tendering and Procurement
 - General commercial drafting
 - Other general commercial advice
 - (b) **Media law** (only law firms with a specialised media law practice will be considered for appointment to this Area of Law)
 - (c) **Intellectual Property**
 - (d) **Information Technology** (not covered by Sub Panel 1)
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- (e) **Insurance**
- (f) **Competition law**
- (g) **Taxation law** (this area of law will be subject to special pricing criteria as nominated by Proponents in the Returnable Schedules)
- (h) **Construction** (not covered by Sub Panel 1)

Sub Panel 3 - Planning, Property and Environment Law Sub Panel

- (a) **Complex property advice and transactions**, which may include matters such as:
 - General property law advice and transactional work on complex property issues or major transactions, and strata and community title.
 - Complex commercial and residential leasing and licensing, including in relation to dry and wet lands
 - Property development and disposal strategies
 - Conveyancing of multiple or major parcels of land/ parcels with complex issues
 - Property dealings, including easements, land access agreements, and covenants.
- (b) **Routine/standard property advice and transactions** (this area of law will be subject to special fixed-fee pricing criteria as nominated by Proponents in the Returnable Schedules), which may include matters such as:
 - Commercial and residential leasing and licensing
 - Acquisitions and disposals
 - Conveyancing
 - Land Access Agreements
 - General property dealings, including easements and covenants
- (c) **Planning, environmental, heritage, and natural resources law** which may include matters such as:
 - Water
 - Fisheries
 - Biosecurity
 - Mining law and energy law
 - Biodiversity law
 - Contaminated land
 - Compliance with environmental laws
 - Environmental protection licenses
 - Due diligence
 - Litigation, including prosecutions, merits appeals and judicial review proceedings relating to matters covered by this Area of Law *

- Planning law, including rezoning processes under the *Environmental Planning and Assessment Act 1979*
 - Development assessments and approvals/certifications under Parts 4, 4A, Part 5 and Part 5.1 (and the former Part 3A) of the *Environmental Planning and Assessment Act 1979*
 - Requirements under, and compliance with, Federal law including the *Environment Protection and Biodiversity Conservation Act 1999*
 - Legislation applicable to Federal and State airports
 - Development contributions, including drafting planning agreements under s93F of the *Environmental Planning and Assessment Act 1979*
- (d) **Statutory land acquisition processes**, including compulsory acquisition and litigation matters (a maximum of 8 law firms will be appointed to this Area of Law and is subject to special arrangements in relation to conflicts management).
- (e) **Corridor/infrastructure access and accreditation requirements**
- (f) **Crown land**, including all matters under the *Crown Lands Act 1989*, and native title and Aboriginal land claims on Crown land.
- (g) **Local Government law**, relevant to the functions exercised by the Minister for Local Government and Chief Executive of the Office of Local Government including investigations and issues relating to governance and conduct under the *Local Government Act 1993*.

Note: Government prosecution Agencies will only use this Panel when prosecuting non-Government entities.

Sub Panel 4 - Employment, Work Health and Safety Law Sub Panel

- (a) **Employment and industrial relations law**, which may include matters such as:
- Unfair dismissals (for non iCare matters)
 - Workplace investigations, grievances and discipline.
- (b) **Visiting practitioner contract and appointment disputes and appeals** (Health cluster only).
- (c) **Hurt on duty matters** under the *Police Regulation (Superannuation) Act 1906* (NSW Police only).
- (d) **Work health and safety**, which may include matters such as:
- Regulatory compliance
 - Enforcement and litigation, including Mine safety prosecutions *
 - Industry safety schemes, including construction safety, rail safety, rail safety regulation and accreditation.
- (e) **Worker's compensation** (non iCare matters only).
- (f) **Discrimination** (for non iCare matters) including:
- in employment

- in the provision of goods and services.

Note: Government prosecution Agencies will only use this Panel when prosecuting non-Government entities.

Sub Panel 5 - Government, Regulatory and Administrative Law Sub Panel

(a) **Administrative, governance, statutory interpretation and advice** (excludes Core Legal Work reserved to the Crown Solicitor) which may include matters such as:

- Judicial review (for matters not covered by another Panel)
- Merits reviews and related appeals (for matters not covered by another Panel)
- Privacy and data protection
- Orders for Production, including Standing Order 52 Orders
- Subpoenas
- Government Information Public Access and other NCAT matters
- Preparation and/or review of policy and/or procedures

NB: Areas of Law 5(a) and 5(b) in the RFP are now merged.

(c) **Statutory Applications**, which may include matters such as:

- Liquor
- Gaming
- Restricted premises
- Related appeals

(d) **Enforcement, regulation and prosecution**, which may include matters such as:

- Roads
- Marine law
- Natural resources law
- Fisheries law
- Biosecurity resources
- Energy law

(e) **Aviation law** (only law firms with a specialised aviation law practice will be considered for appointment to this Area of Law.)

Sub Panel 6 - Litigation and Inquiries Sub Panel

- (a) **Liability litigation** (non iCare matters only).
- (b) **General Litigation and Dispute Resolution** (for matters not covered by any other panel).
- (c) **Debt recovery** (this area of law will be subject to special fixed-fee pricing criteria as nominated by Proponents in the Returnable Schedules).
- (d) **Inquiries**, which may include matters such as:
 - ICAC and Police Integrity Commission inquiries
 - Royal Commissions and Special Commissions not reserved to the NSW Crown Solicitor
 - Ombudsman matters
 - Coronial matters (for non iCare matters).