

Document 1 - Email from AGS to Ombudsman - Request for Quote response

From: s 47F s 47E(d)
Sent: Friday, 5 March 2021 9:31 AM
To: Carmen s 47F
Subject: Inquiry about outpost to Office of the Commonwealth Ombudsman [SEC=OFFICIAL]
Attachments: BENNETT Charine CV - March 2021.docx; CovidSafe Outpost Checklist.docx

Follow Up Flag: Follow up
Flag Status: Completed

OFFICIAL

OFFICIALOFFICIAL

Dear Carmen

Thank you for your request for a Senior Associate (EL1) lawyer to be outposted to work with you for four months to support your Director of Legal with the management of the team's work, the clearance of advices prepared by your APS 6 lawyer (predominantly advice on exercise of the Ombudsman's powers/functions), and briefing of the executive on sensitive matters. The lawyer may also be called upon to assist in the handling of privacy breaches and FOI applications (including conducting internal reviews). Subject to any conflicts of interest, they might also be called upon to assist in the management of litigation involving the Office

As discussed, while we do not, at this stage, have an appropriate lawyer at the EL 1 level, we are pleased to offer you the assistance of Charine Bennett, Senior Associate (EL2) lawyer.

Charine practises principally in the area of information access, advising on matters involving the Privacy Act 1988 and Freedom of Information Act 1982. She also has practical experience and a strong understanding of the requirements for good administrative decisions. Charine regularly assists agencies with representing agencies in Administrative Appeals Tribunal and Office of the Australian Information Commissioner (OAIC) reviews and delivers and develops FOI and privacy training for agencies.

Charine also has experience working in a range of Commonwealth agencies managing an in-house FOI and privacy practice. Her other previous roles include in-house counsel for the OAIC and complaint investigation and resolution with the Commonwealth Ombudsman.

Further details of Charine's experience are provided in the attached CV.

We believe that, despite Charine being at a more senior level than requested, her considerable experience in this area and her previous experience working with the Commonwealth Ombudsman makes her an excellent choice for this role.

Availability

Charine is available part time and can work 2 days per week, (usually attending on Wednesdays and Thursdays though she may need to change days but will let you know). She will work onsite at your Canberra office. To this end, if you are happy with this proposal, could you please complete the attached COVID checklist and return the completed form to me? As I mentioned this is something, that as a matter of precaution, our HR area requires but I don't anticipate any issues.

Charine can start on 17 March 2021 and be available to you until 17 June 2021. She has other existing work commitments in the later part of June so unfortunately will not be available till the end of June.

At this stage she has leave plans for 6-9 April 2021 and as such would not be available on these dates.

Cost proposal

Our proposed rate for Charine Bennett is our 20-60 working day outpost rate for a Senior Associate (EL2) lawyer of \$1,650 per day. The total estimate for the 24 day period would be \$39,600.

This outpost will be undertaken on a cost recovery basis, for which we do not charge GST to non-corporate Commonwealth entities, such as the Office of the Commonwealth Ombudsman.

Supervision, second counselling and tied work

AGS requires all lawyers to act in accordance with our professional standards and file management requirements, which includes a requirement that legal work be undertaken by or under the supervision of more senior AGS lawyers with expertise in the relevant area. However, we realise that for outposts it is more efficient for the lawyer to be supervised by a more senior lawyer within the agency they are outposted to. For this reason we propose that supervision of Charine's work be taken on by the Office of the Commonwealth Ombudsman, which will assume all professional responsibility for that work. This will include any work Charine is expected to undertake in her in managing a team of staff.

As the Agency will take professional responsibility for the outposted lawyer's work, we expect that the outposted lawyer will store all of their work on the Agency's system rather than on the AGS system. If requested by AGS, the Agency agrees that it will give reasonable access to the work produced by the outposted lawyer.

The outposted lawyer however remains an employee of AGS and, other than in relation to the professional supervision of their day to day work while on outpost, be subject to AGS's directions and supervision. They will at all times have an AGS supervisor and have to comply with AGS's processes (eg for taking leave, for performance appraisal) and be bound by AGS's National Professional Standards and other AGS policies.

If you would prefer that AGS take responsibility for second counselling please let us know and we can provide a proposal for second counselling work at hourly rates.

It is also important to note that an outpost arrangement does not alter your obligations for tied work (and specifically work on constitutional issues) under the *Legal Services Directions 2017*.

Conflicts of interest

We are not aware of AGS or Charine having any conflict of interest for this outpost.

As we specialise in providing legal services to the Commonwealth and its agencies, conflicts of interest are far less likely to arise for AGS than for private sector legal firms. We recognise, however, that more than 1 of our clients, or potential clients, may have an interest in the same legal matter. AGS therefore remains vigilant to ensure that these situations are identified as early as possible, and managed sensitively to ensure that we protect our clients' interests.

AGS treats conflicts of interest seriously. We identify and take action to avoid conflict of interest issues by using several tools and processes. These include the APS Code of Conduct, conflict of interest declarations by all AGS employees, AGS National Professional Standards, and a computerised conflict of interest search system. We also have specific conflict of interest guidelines and ongoing training programs to ensure our employees are constantly alert to the potential for a business or personal conflict of interest.

What an AGS outpost brings to your team

Charine Bennett will be backed by AGS's outposted lawyer support network and program, which includes administrative support and assistance with the practical requirements of working in a client's office, as well as professional development and training, and opportunities for peer support from other AGS lawyers.

Our outposted lawyers also continue to have access to AGS resources for use in your work, including our Opinions Database, which includes every significant legal advice AGS has provided to the Commonwealth since 1901.

We also provide all our outposted lawyers with an AGS-networked computer and IT support so that they have access to our online databases, which enables them to provide you with accurate and up-to-date advice.

Our outposted lawyers also have access to the client service networks and legal updates relevant for your work, such as recent legal developments, training and service provision issues and solutions. They also have access to our irequest@AGS online research services from the AGS Library. All of this is provided at no cost to you and allows our lawyers to provide you with high quality advice and assistance.

What to expect from your outposted lawyer

In delivering these services Charine will work with you and:

- be accessible and able to provide technically excellent legal work that meets your needs in an efficient manner
- become very familiar with your business and comply with your policies and procedures
- develop effective working relationships with your personnel and actively share knowledge of legal issues and associated risks with them
- utilise AGS's expertise and resources as required when preparing legal advice
- keep you informed of how matters are progressing
- if necessary, seek approval for an advice to be second-counselled by another AGS lawyer
- meet any specific reporting and document/record management requirements
- act professionally and in a way that adheres to your policies and procedures and those of AGS
- comply with all relevant legislation (e.g. *Public Governance, Performance and Accountability Act 2013*, *Public Service Act 1999*, *Judiciary Act 1903*, *Legal Service Directions 2017*, *Privacy Act 1988*, *Work Health and Safety Act 2011*).

Thank you for considering our proposal. I am very happy to discuss it further with you. If you are happy with the proposal, I will follow up with a formal letter.

Kind regards

s 47F

s 47F

Senior Executive Lawyer, Outpost Manager
Australian Government Solicitor

T s 47E(d) F s 47E(d) M s 47E(d) s 47E(d)

OFFICIAL

>

Date: Thursday, 25 February 2021 at 4:49:33 pm

To: s 47F " <s 47E(d)

Subject: Inquiry about outpost to Office of the Commonwealth Ombudsman

CAUTION: This email originated from outside of the organisation. Do not follow guidance, click links, or open attachments unless you recognise the sender and know the content is safe.

OFFICIAL

Dear s 47F

I'm writing to see if AGS may be able to assist us with an outposted lawyer, at the EL1 level, for approximately four months (March – June 2021).

s 47F so we are looking for someone to support her in the management of the team's work, the clearance of advices prepared by our APS 6 lawyer (predominantly advice on exercise of the Ombudsman's powers/functions), and briefing of the executive on sensitive matters. They may also be called upon to assist in the handling of privacy breaches and Fol applications (including conducting internal reviews). Subject to any conflicts of interest, they might also be called upon to assist in the management of litigation involving the Office.

If you think AGS may be able to assist, please let me know, and please feel free to give me a call if you would like to discuss our needs further.

Kind regards

Carmen

Carmen s 47F

Director

Commonwealth Ombudsman

s 47E(d)

The Office of the Commonwealth Ombudsman acknowledges the traditional owners of country throughout Australia and their continuing connection to land, culture and community. We pay our respects to elders past and present.

COMMONWEALTH OMBUDSMAN - IMPORTANT CONFIDENTIALITY NOTICE

This e-mail message or an attachment to it is confidential, and it is intended to be accessed only by the person or entity to which it is addressed.

No use, copying or disclosure (including by further transmission) of this message, an attachment or the content of either is permitted and any use, copying or disclosure may be subject to legal sanctions. This message may contain information which is:

- * about an identifiable individual;
- * subject to client legal privilege or other privilege; or
- * subject to a statutory or other requirement of confidentiality.

If you have received this message in error, please call 1300 362 072 to inform the sender so that future errors can be avoided.

If you have received this transmission in error please notify us immediately by return e-mail and delete all copies. If this e-mail or any attachments have been sent to you in error, that error does not constitute waiver of any confidentiality, privilege or copyright in respect of information in the e-mail or attachments.

Document 2 - s 23 Public Governance Performance and Accountability Act approval

Section 23 Procurement Form Approval Record

Form Approval Details

Workflow Task	Name	Date Actioned	Time Actioned	
Create	Carmen s 47F	08/04/2021	10:40:00	s 47F
Create	Carmen s 47F	08/04/2021	12:48:00	s 47F
Procurement Approval	Carmen s 47F	08/04/2021	12:57:00	s 47F
S23 Approval	Carmen s 47F	08/04/2021	12:57:00	s 47F

Form Header Details

Question	Answer
Delegate Requesting Officer's Cost Centre This proposal is for: The proposed supplier is: Background	s 47F 195 Legal services - outposted legal officer AGS An outposted legal officer has been sought to provide support to the incoming legal director who is currently working reduced hours. The outposted legal officer will also assist with a review of the Office's privacy and FOI policies and frameworks which have been identified as needing consideration by Executive.
Procurement Method Panel Arrangement? Please select the appropriate panel: Does this proposal relate to the lease of a property under the Lands Acquisition Act? Explanation of Procurement Method Selection and Evaluation Process	OT Yes 220032 No Two panel providers on the WoG legal services panel maintained by AGD were approached to provide quotes for an outposted officer, AGS and Ashurst. Ashurst advised they were unable to provide an outposted officer for the period sought. AGS proposed an outposted officer with expertise in FOI and Privacy and knowledge of the Office's operations. The proposal was discussed with the COO and Deputy Ombudsman and assessed by the current Director Legal to represent good value for money, because it involved a senior lawyer, with directly relevant expertise on a part time basis.
Does this procurement involve the engagement of an Indigenous supplier? Please provide reasons why:	No A mandatory procurement approach is being used.
Expected Start Date Expected End Date Does the contract include extension options? How many extension options are there? How long is each extension option? Enter the total estimated value of the proposal Future year expenditure? Expenditure Type Does this proposal require a risk assessment? (If total expenditure >80k a risk assessment must be completed) Does a contingent liability apply to this proposal? Please describe the contingent liability;	17-Mar-2021 17-Jun-2021 Yes 1 As agreed 40000 No Departmental Operating Expenditure No No Insert detail, e.g. A liability cap of \$..... has been requested and is considered appropriate. Attach a risk assessment where appropriate.
Does this proposal relate to Information Technology? Is this proposal supported by the IT Operations Unit?	No
Requesting Officer's Name Position Title of Delegate Contract Manager UNSPSC Code Type Of Contract Consultancy Reason Standing Offer Note Confidential Input Reason Confidential Output Reason Other Reason Gazetted Exempt? Is the proposal using an existing party? Party Profile Party Number Other Reason Contract Type Form ID Total Expense Lines Expense To Estimate Limited Tender Exemption Limited Tender Condition Limited tender exempt? Comments provided by Procurement Team Likelihood of Occurring Significance of Event	s 47F Director s 47F 80120000 002 NA Y PI Y PI Y Yes PD (Dept) 100003600 1905 0.0000000000 40000.0000000000 Y Y Y Comments provided by Procurement Team Y Y

Form Expenditure Details

Expenditure Type	Field	Answer
Row 0		
Expenditure Details	Cost Centre	195
Expenditure Details	Natural Account	6501
Expenditure Details	Amount	0
Expenditure Details	Ledger Year	GL
Expenditure Details	Description	No GST payable to AGS
Expenditure Details	GST	GST Exclusive
Expenditure Details	Project	00000



Australian Government Solicitor

Your ref.
Our ref.21001753

*Level 5, 4 National Circuit Barton ACT 2600
Locked Bag 35 Kingston ACT 2604
T 02 6253 7000 Canberra
www.ags.gov.au*

07 April 2021

Carmen **s 47F**
Office of the Commonwealth Ombudsman
Office of the Commonwealth Ombudsman
Level 5
14 Childers Street
Canberra ACT 2600

*Canberra
Sydney
Melbourne
Brisbane
Perth
Adelaide
Hobart
Darwin*

Dear Carmen **s 47F**

OUTPOST - COMMONWEALTH OMBUDSMAN - C BENNETT

Please find enclosed our tax invoice for professional fees totalling \$8,250.00.

Please ensure payment is made within 30 days of the date of the invoice.

If you have any queries about this invoice, please do not hesitate to contact me.

Yours sincerely

s 47F
Paralegal services
T s 47E(d)
s 4/E(d)



Australian Government Solicitor

ABN 69 405 937 639

Level 5, 4 National Circuit Barton ACT 2600
 Locked Bag 35 Kingston ACT 2604
 T 02 6253 7000 Canberra
 www.ags.gov.au

Office of the Commonwealth Ombudsman
 Office of the Commonwealth Ombudsman
 Level 5
 14 Childers Street
 Canberra ACT 2600

Canberra
 Sydney
 Melbourne
 Brisbane
 Perth
 Adelaide
 Hobart
 Darwin

Date: 07 April 2021
 Invoice number: 3219874
 Matter number: 21001753
 Your reference:
 Instructing officer: Carmen s 47F

Tax invoice professional fees

Re: OUTPOST - COMMONWEALTH OMBUDSMAN - C BENNETT

For the period 17 March 2021 to 30 March 2021.

Professional fees incurred (non-taxable):	8,250.00
GST	0.00
Total amount payable	\$8,250.00

Contact s 47F on s 47E(d) if you have any questions about this invoice.

Please arrange payment within 30 days by electronic funds transfer to the account of Australian Government Solicitor at Westpac Bank BSB s 47E(d) Account s 47E(d)

Our invoice number should be quoted with your payment and a remittance advice sent to s 47E(d)

Date: 07 April 2021
Invoice number: 3219874
Matter number: 21001753
Your reference:
Instructing officer: Carmen s 47F

Schedule

Re: OUTPOST - COMMONWEALTH OMBUDSMAN - C BENNETT

17/03/2021	Charine Bennett (Senior Lawyer) Rate as per agreement with client.	07h:30m	1,650.00
18/03/2021	Charine Bennett (Senior Lawyer) Rate as per agreement with client.	07h:30m	1,650.00
24/03/2021	Charine Bennett (Senior Lawyer) Rate as per agreement with client.	07h:30m	1,650.00
25/03/2021	Charine Bennett (Senior Lawyer) Rate as per agreement with client.	07h:30m	1,650.00
30/03/2021	Charine Bennett (Senior Lawyer) Rate as per agreement with client.	07h:30m	1,650.00
		Total	8,250.00



Australian Government Solicitor

Your ref.
Our ref.21001763

Level 5, 4 National Circuit Barton ACT 2600
Locked Bag 35 Kingston ACT 2604
T 02 6253 7000 Canberra
www.ags.gov.au

07 June 2021

Carmen s 47F
Office of the Commonwealth Ombudsman
Office of the Commonwealth Ombudsman
Level 5
14 Childers Street
Canberra ACT 2600

Canberra
Sydney
Melbourne
Brisbane
Perth
Adelaide
Hobart
Darwin

Dear Carmen s 47F

Second Counselling - Outpost - Ombudsman - Charine Bennett

Please find enclosed our tax invoice for professional fees totalling \$608.00.

Please ensure payment is made within 30 days of the date of the invoice.

If you have any queries about this invoice, please do not hesitate to contact me.

Yours sincerely

s 47F
Paralegal services
T s 47E(d)
s 4/E(d)



Australian Government Solicitor

ABN 69 405 937 639

Level 5, 4 National Circuit Barton ACT 2600

Locked Bag 35 Kingston ACT 2604

T 02 6253 7000 Canberra

www.ags.gov.au

Office of the Commonwealth Ombudsman
Office of the Commonwealth Ombudsman
Level 5
14 Childers Street
Canberra ACT 2600Canberra
Sydney
Melbourne
Brisbane
Perth
Adelaide
Hobart
DarwinDate: 07 June 2021
Invoice number: 3227376
Matter number: 21001763
Your reference:
Instructing officer: Carmen s 47F**Tax invoice professional fees**

Re: Second Counselling - Outpost - Ombudsman - Charine Bennett

For the period 12 May 2021 to 16 May 2021.

Professional fees incurred (non-taxable):	608.00
GST	0.00
Total amount payable	\$608.00

Contact s 47F on s 47E(d) if you have any questions about this invoice.

Please arrange payment within 30 days by electronic funds transfer to the account of Australian Government Solicitor at Westpac Bank BSB s 47E(d) Account s 47E(d)

Our invoice number should be quoted with your payment and a remittance advice sent to s 47E(d)

Australian Government Solicitor

Date: 07 June 2021
Invoice number: 3227376
Matter number: 21001763
Your reference:
Instructing officer: Carmen s 47F

Schedule

Re: Second Counselling - Outpost - Ombudsman - Charine Bennett

12/05/2021	S 42	00h:24m	178.00
13/05/2021		00h:18m	118.50
14/05/2021		00h:12m	89.00
16/05/2021		00h:30m	222.50
		Total	608.00



Australian Government Solicitor

Your ref.
Our ref.21001753

Level 5, 4 National Circuit Barton ACT 2600
Locked Bag 35 Kingston ACT 2604
T 02 6253 7000 Canberra
www.ags.gov.au

17 June 2021

Carmen s 47F
Office of the Commonwealth Ombudsman
Office of the Commonwealth Ombudsman
Level 5
14 Childers Street
Canberra ACT 2600

Canberra
Sydney
Melbourne
Brisbane
Perth
Adelaide
Hobart
Darwin

Dear Carmen s 47F

OUTPOST - COMMONWEALTH OMBUDSMAN - C BENNETT

Please find enclosed our tax invoice for professional fees totalling \$14,740.00.

Please ensure payment is made within 30 days of the date of the invoice.

If you have any queries about this invoice, please do not hesitate to contact me.

Yours sincerely

s 47F
Paralegal services
T s 47E(d)
s 4/E(d)



Australian Government Solicitor

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Level 5, 4 National Circuit Barton ACT 2600
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 T 02 6253 7000 Canberra
 www.ags.gov.au

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 Office of the Commonwealth Ombudsman
 Level 5
 14 Childers Street
 Canberra ACT 2600

Canberra
 Sydney
 Melbourne
 Brisbane
 Perth
 Adelaide
 Hobart
 Darwin

Date: 17 June 2021
 Invoice number: 3229162
 Matter number: 21001753
 Your reference:
 Instructing officer: Carmen s 47F

Tax invoice professional fees

Re: OUTPOST - COMMONWEALTH OMBUDSMAN - C BENNETT

For the period 04 May 2021 to 28 May 2021.

Professional fees incurred (non-taxable):	14,740.00
GST	0.00
Total amount payable	\$14,740.00

Contact s 47F on s 47E(d) if you have any questions about this invoice.

Please arrange payment within 30 days by electronic funds transfer to the account of Australian Government Solicitor at Westpac Bank BSB s 47E(d) Account s 47E(d)

Our invoice number should be quoted with your payment and a remittance advice sent to s 47E(d)

Date: 17 June 2021
 Invoice number: 3229162
 Matter number: 21001753
 Your reference:
 Instructing officer: Carmen s 47F

Schedule

Re: OUTPOST - COMMONWEALTH OMBUDSMAN - C BENNETT

04/05/2021	Charine Bennett (Senior Lawyer) s 42	01h:48m	396.00
05/05/2021	Charine Bennett (Senior Lawyer) Rate as per agreement with client.	07h:30m	1,650.00
06/05/2021	Charine Bennett (Senior Lawyer) Rate as per agreement with client.	07h:30m	1,650.00
11/05/2021	Charine Bennett (Senior Lawyer) Rate as per agreement with client.	07h:30m	1,650.00
12/05/2021	Charine Bennett (Senior Lawyer) s 42	02h:24m	528.00
13/05/2021	Charine Bennett (Senior Lawyer) Rate as per agreement with client.	07h:30m	1,650.00
19/05/2021	Charine Bennett (Senior Lawyer) Rate as per agreement with client.	07h:30m	1,650.00
20/05/2021	Charine Bennett (Senior Lawyer) Rate as per agreement with client.	07h:30m	1,650.00
24/05/2021	Charine Bennett (Senior Lawyer) s 42	01h:18m	286.00
26/05/2021	Charine Bennett (Senior Lawyer) Rate as per agreement with client.	07h:30m	1,650.00
27/05/2021	Charine Bennett (Senior Lawyer) Rate as per agreement with client.	07h:30m	1,650.00
28/05/2021	Charine Bennett (Senior Lawyer) s 42	01h:30m	330.00
	Total		14,740.00



Australian Government Solicitor

Your ref.
Our ref.21001763

Level 5, 4 National Circuit Barton ACT 2600
Locked Bag 35 Kingston ACT 2604
T 02 6253 7000 Canberra
www.ags.gov.au

09 July 2021

Carmen s 47F
Office of the Commonwealth Ombudsman
Office of the Commonwealth Ombudsman
Level 5
14 Childers Street
CANBERRA ACT 2600

Canberra
Sydney
Melbourne
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Dear Carmen s 47F

Second Counselling - Outpost - Ombudsman - Charine Bennett

Please find enclosed our tax invoice for professional fees totalling \$79.00.

Please ensure payment is made within 30 days of the date of the invoice.

If you have any queries about this invoice, please do not hesitate to contact me.

Yours sincerely

s 47F
Paralegal services
T s 47E(d)
s 4/E(d)



Australian Government Solicitor

ABN 69 405 937 639

Level 5, 4 National Circuit Barton ACT 2600
 Locked Bag 35 Kingston ACT 2604
 T 02 6253 7000 Canberra
 www.ags.gov.au

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 Office of the Commonwealth Ombudsman
 Level 5
 14 Childers Street
 CANBERRA ACT 2600

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Date: 09 July 2021
 Invoice number: 3231819
 Matter number: 21001763
 Your reference:
 Instructing officer: Carmen s 47F

Tax invoice professional fees

Re: Second Counselling - Outpost - Ombudsman - Charine Bennett

For the period 02 June 2021 to 02 June 2021.

Professional fees incurred (non-taxable):	79.00
GST	0.00
Total amount payable	\$79.00

Contact s 47F on s 47E(d) if you have any questions about this invoice.

Please arrange payment within 30 days by electronic funds transfer to the account of Australian Government Solicitor at Westpac Bank BSB s 47E(d) Account s 47E(d)

Our invoice number should be quoted with your payment and a remittance advice sent to s 47E(d)

Australian Government Solicitor

Date: 09 July 2021
Invoice number: 3231819
Matter number: 21001763
Your reference:
Instructing officer: Carmen s 47F

Schedule

Re: Second Counselling - Outpost - Ombudsman - Charine Bennett

02/06/2021

s 42

00h:12m 79.00

Total

 79.00



Australian Government Solicitor

Your ref.
Our ref.21001753

Level 5, 4 National Circuit Barton ACT 2600
Locked Bag 35 Kingston ACT 2604
T 02 6253 7000 Canberra
www.ags.gov.au

14 July 2021

Carmen s 47F
Office of the Commonwealth Ombudsman
Office of the Commonwealth Ombudsman
Level 5
14 Childers Street
CANBERRA ACT 2600

Canberra
Sydney
Melbourne
Brisbane
Perth
Adelaide
Hobart
Darwin

Dear Carmen s 47F

OUTPOST - COMMONWEALTH OMBUDSMAN - C BENNETT

Please find enclosed our tax invoice for professional fees totalling \$8,250.00.

Please ensure payment is made within 30 days of the date of the invoice.

If you have any queries about this invoice, please do not hesitate to contact me.

Yours sincerely

s 47F
Paralegal services
T s 47E(d)
s 4/E(d)



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 Level 5
 14 Childers Street
 CANBERRA ACT 2600

Canberra
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 Darwin

Date: 14 July 2021
 Invoice number: 3232449
 Matter number: 21001753
 Your reference:
 Instructing officer: Carmen s 47F

Tax invoice professional fees

Re: OUTPOST - COMMONWEALTH OMBUDSMAN - C BENNETT

For the period 02 June 2021 to 17 June 2021.

Professional fees incurred (non-taxable):	8,250.00
GST	0.00
Total amount payable	\$8,250.00

Contact s 47F on s 47E(d) if you have any questions about this invoice.

Please arrange payment within 30 days by electronic funds transfer to the account of Australian Government Solicitor at Westpac Bank BSB s 47E(d) Account s 47E(d)

Our invoice number should be quoted with your payment and a remittance advice sent to s 47E(d)

Date: 14 July 2021
Invoice number: 3232449
Matter number: 21001753
Your reference:
Instructing officer: Carmen s 47F

Schedule

Re: OUTPOST - COMMONWEALTH OMBUDSMAN - C BENNETT

02/06/2021	Charine Bennett (Senior Lawyer) Rate as per agreement with client.	07h:30m	1,650.00
03/06/2021	Charine Bennett (Senior Lawyer) Rate as per agreement with client.	07h:30m	1,650.00
10/06/2021	Charine Bennett (Senior Lawyer) Rate as per agreement with client.	07h:30m	1,650.00
16/06/2021	Charine Bennett (Senior Lawyer) Rate as per agreement with client.	07h:30m	1,650.00
17/06/2021	Charine Bennett (Senior Lawyer) Rate as per agreement with client.	07h:30m	1,650.00
		Total	8,250.00



Australian Government Solicitor

Your ref.
Our ref.21001753

Level 5, 4 National Circuit Barton ACT 2600
Locked Bag 35 Kingston ACT 2604
T 02 6253 7000 Canberra
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10 May 2021

Carmen s 47F
Office of the Commonwealth Ombudsman
Office of the Commonwealth Ombudsman
Level 5
14 Childers Street
Canberra ACT 2600

Canberra
Sydney
Melbourne
Brisbane
Perth
Adelaide
Hobart
Darwin

Dear Carmen s 47F

OUTPOST - COMMONWEALTH OMBUDSMAN - C BENNETT

Please find enclosed our tax invoice for professional fees totalling \$11,550.00.

Please ensure payment is made within 30 days of the date of the invoice.

If you have any queries about this invoice, please do not hesitate to contact me.

Yours sincerely

s 47F
Paralegal services
T s 47E(d)
s 4/E(d)



Australian Government Solicitor

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Level 5
14 Childers Street
Canberra ACT 2600

Canberra
Sydney
Melbourne
Brisbane
Perth
Adelaide
Hobart
Darwin

Date: 10 May 2021
Invoice number: 3224440
Matter number: 21001753
Your reference:
Instructing officer: Carmen s 47F

Tax invoice professional fees

Re: OUTPOST - COMMONWEALTH OMBUDSMAN - C BENNETT

For the period 01 April 2021 to 29 April 2021.

Professional fees incurred (non-taxable):	11,550.00
GST	0.00
Total amount payable	\$11,550.00

Contact s 47F on s 47E(d) if you have any questions about this invoice.

Please arrange payment within 30 days by electronic funds transfer to the account of Australian Government Solicitor at Westpac Bank BSB s 47E(d) Account s 47E(d)

Our invoice number should be quoted with your payment and a remittance advice sent to s 47E(d)

Date: 10 May 2021
Invoice number: 3224440
Matter number: 21001753
Your reference:
Instructing officer: Carmen s 47F

Schedule

Re: OUTPOST - COMMONWEALTH OMBUDSMAN - C BENNETT

01/04/2021	Charine Bennett (Senior Lawyer) Rate as per agreement with client.	07h:30m	1,650.00
14/04/2021	Charine Bennett (Senior Lawyer) Rate as per agreement with client.	07h:30m	1,650.00
15/04/2021	Charine Bennett (Senior Lawyer) Rate as per agreement with client.	07h:30m	1,650.00
21/04/2021	Charine Bennett (Senior Lawyer) Rate as per agreement with client.	07h:30m	1,650.00
22/04/2021	Charine Bennett (Senior Lawyer) Rate as per agreement with client.	07h:30m	1,650.00
28/04/2021	Charine Bennett (Senior Lawyer) Rate as per agreement with client.	07h:30m	1,650.00
29/04/2021	Charine Bennett (Senior Lawyer) Rate as per agreement with client.	07h:30m	1,650.00
		Total	11,550.00



Australian Government Solicitor

Your ref.
Our ref.21001763

Level 5, 4 National Circuit Barton ACT 2600
Locked Bag 35 Kingston ACT 2604
T 02 6253 7000 Canberra
www.ags.gov.au

11 May 2021

Carmen s 47F
Office of the Commonwealth Ombudsman
Office of the Commonwealth Ombudsman
Level 5
14 Childers Street
Canberra ACT 2600

Canberra
Sydney
Melbourne
Brisbane
Perth
Adelaide
Hobart
Darwin

Dear Carmen s 47F

Second Counselling - Outpost - Ombudsman - Charine Bennett

Please find enclosed our tax invoice for professional fees totalling \$168.00.

Please ensure payment is made within 30 days of the date of the invoice.

If you have any queries about this invoice, please do not hesitate to contact me.

Yours sincerely

s 47F
Paralegal services
T s 47E(d)
s 4/E(d)



Australian Government Solicitor

ABN 69 405 937 639

Level 5, 4 National Circuit Barton ACT 2600

Locked Bag 35 Kingston ACT 2604

T 02 6253 7000 Canberra

www.ags.gov.au

Office of the Commonwealth Ombudsman
Office of the Commonwealth Ombudsman
Level 5
14 Childers Street
Canberra ACT 2600Canberra
Sydney
Melbourne
Brisbane
Perth
Adelaide
Hobart
DarwinDate: 11 May 2021
Invoice number: 3224464
Matter number: 21001763
Your reference:
Instructing officer: Carmen s 47F**Tax invoice professional fees**

Re: Second Counselling - Outpost - Ombudsman - Charine Bennett

For the period 15 April 2021 to 16 April 2021.

Professional fees incurred (non-taxable):	168.00
GST	0.00
Total amount payable	\$168.00

Contact s 47F on s 47E(d) if you have any questions about this invoice.

Please arrange payment within 30 days by electronic funds transfer to the account of Australian Government Solicitor at Westpac Bank BSB s 47E(d) Account s 47E(d)

Our invoice number should be quoted with your payment and a remittance advice sent to s 47E(d)

Australian Government Solicitor

Date: 11 May 2021
Invoice number: 3224464
Matter number: 21001763
Your reference:
Instructing officer: Carmen s 47F

Schedule

Re: Second Counselling - Outpost - Ombudsman - Charine Bennett

15/04/202

S 42

00h:12m 79.00

16/04/202

00h:12m 89.00

Total 168.00

Document 4 - Contract for outposted lawyer



Wednesday, 10 March 2021

Australian Government Solicitor
4 National Circuit Barton ACT 2600
Locked Bag 7246 Canberra Mail Centre ACT 2610
T 02 6253 7000 DX 5678 Canberra
www.ags.gov.au

Carmen s 47F
Director
Office of the Commonwealth Ombudsman
Level 5/14 Childers Street
CANBERRA ACT 2600

Canberra
Sydney
Melbourne
Brisbane
Perth
Adelaide
Hobart
Darwin

Sent by email to: s 47E(d)

Dear Carmen,

Outposting of AGS lawyer to Office of the Commonwealth Ombudsman (Agency)

1. We thank you for the opportunity to provide an AGS outposted lawyer to assist your Agency. In this letter, we have set out the details of the outpost arrangement. If you have any questions about anything in this letter, please do not hesitate to call us.

Details of the arrangement

Name of AGS Lawyer	Charine Bennett
Agency contact officer	Carmen s 47F Director Ph: s 47E(d) Email: s 47E(d)
Outpost role	Provide support to the Director of Legal with the management of the team's work including : <ul style="list-style-type: none">• the clearance of advices prepared by an APS 6 lawyer (predominantly advice on exercise of the Ombudsman's powers/functions),• briefing of the executive on sensitive matters.• provide assistance in the handling of privacy breaches and Fol applications (including conducting internal reviews).• Subject to any conflicts of interest, they might also be called upon to assist in the management of litigation involving the Office.
Outpost term	Start date: Wednesday 17 March 2021 End date: Thursday 17 June 2021

	<p>AGS requires a reasonable period of notice to be provided by the Agency if it wishes to extend the outpost term. If an extension period is not specified here and the Agency would like to request to extend the outpost arrangement, the Agency will give AGS reasonable notice of any proposed extension. AGS will consider any request for an extension but is not able to guarantee that an extension will be possible and/or the availability of the agreed outposted lawyer or similar AGS lawyer beyond the term.</p>
Days and hours	<p>Part time – 2 days per week, nominally Wednesdays and Thursdays as agreed with your agency. Note, Charine has leave plans for 6-9 April 2021 and as such would not be available on these dates.</p>
Fees	<p>\$1,650 per day. (No GST is payable.) Total estimated fees for the 24 day term: \$39,600 (No GST is payable.) No fee is payable for days when the outposted lawyer is on leave or a public holiday. Fees will be billed monthly in arrears. Second counselling: The hourly rates for a lawyer at the Senior Executive Lawyer (Partner) level start at \$395 per hour with Senior Partner at \$445 per hour. AGS will invoice these costs on a separate invoice up to a limit of \$10,000 and notify the agency when fees reach 80% of the \$10,000 limit.</p>
Specific arrangements	<p>Charine will attend remotely for the initial 2 days 17 and 18 March 2021. She will then be available onsite from 24 March 2021 until the end of the outpost term. Second counselling to be referred to AGS as required and invoiced as detailed in the above Fees section.</p>

AGS's responsibilities

2. AGS will ensure that the outposted lawyer attends the Agency and undertakes the work required.
3. If for any reason AGS becomes aware that the outposted lawyer will not be available to attend on a particular day or will be unable to undertake the services AGS will advise the Agency as soon as practicable.
4. AGS will arrange for the outposted lawyer to have access to AGS's IT systems for the purposes of AGS's administrative arrangements and access to any required AGS resources.

Agency's responsibilities

5. The Agency will have the primary duty of care in relation to the outposted lawyer under the *Work Health and Safety Act 2011* (WHS Act) while the outposted lawyer is

on the Agency's premises or is undertaking work elsewhere for the Agency (other than on AGS premises). However, AGS acknowledges its overall responsibilities under the WHS Act to its outposted lawyer and has provided them with information in this regard, including their responsibilities as a worker to both the Agency and AGS whilst on outpost.

6. The Agency will make available to the outposted lawyer access to all reasonable facilities, IT and communication tools and other administrative assistance as is reasonably necessary to enable their work to be performed to the standard required.
7. The Agency will provide reasonable access for AGS personnel to the working area allocated to the outposted lawyer for the purposes of installation and maintenance of AGS IT equipment and if necessary for assessment of the working area for compliance with AGS's WH&S Act obligations.

Absences for leave, training, professional development and study

8. The Agency agrees that the outposted lawyer may take leave in accordance with AGS entitlements during the outpost term having, as far as possible, provided reasonable notice to the Agency of that leave.
9. AGS will not need to replace the outposted lawyer when on leave, unless otherwise agreed. AGS will make a proportionate adjustment to the fee payable by the Agency. AGS will work cooperatively with the Agency to resolve any issues with regard to absence and replacement of the outposted lawyer.
10. Where the Agency has agreed to the outposted lawyer undertaking or delivering professional development or study at the request of AGS, the Agency will allow the outposted lawyer absence from the Agency for that purpose. AGS will make a proportionate adjustment to the fee payable by the Agency.
11. The Agency agrees to allow the outposted lawyer reasonable brief absences (for example up to 2 hours) for the purpose of attending professional training or AGS corporate updates (with no adjustment to the fee payable by the Agency).

Outposted lawyer's working hours

12. The outposted lawyer is generally expected to work standard working hours. A standard working day is 7.5 hours.
13. If the Agency requires the outposted lawyer to work beyond standard working hours or on weekends, then the outposted lawyer will be entitled to time off in lieu, consistent with the Agency's policies. In the event that the outposted lawyer becomes entitled to a substantial amount of time off in lieu, the Agency will notify AGS so that an appropriate time can be agreed for the outposted lawyer to take days or part days as time off in lieu at the Agency's expense.

Costs for travel and accommodation – if travel is at Agency's request

14. If the Agency requires the outposted lawyer to undertake travel, the Agency agrees to arrange and pay for all costs of travel and accommodation and other disbursements incurred by the outposted lawyer.

15. AGS will initially pay any applicable travel allowance (in accordance with AGS's travel allowance policy) and the Agency agrees to reimburse AGS for any travel allowance paid.

Supervision and second counselling of legal work

16. The outposted lawyer has been selected by AGS because of their expertise in the areas identified by the Agency. AGS agrees that it will retain all professional risk and responsibility for the work of the outposted lawyer. However, when matters fall outside the expertise of the outposted lawyer, or are otherwise unusual, complex or significant and the outposted lawyer considers that it is necessary to involve other AGS lawyers in a particular matter, AGS will arrange for the advice to be settled in accordance with the Specific Arrangements set out above in the Key Details table.
17. If input from AGS specialists is not approved, and you require Charine to continue to work on that basis, subject to the paragraph above, it will be necessary for the agency to accept professional responsibility for that work.

Your agreement with these arrangements

18. Please confirm your agreement with these arrangements by email to **s 47E(d)**

Yours sincerely

s 47F

s 47F

Senior Executive Lawyer, Outpost Manager
Australian Government Solicitor

T s 47E(d)

s 47E(d)