

26 November 2013

Mr Tony Shepherd AO  
Chair  
National Commission of Audit

By email: [submissions@ncoa.gov.au](mailto:submissions@ncoa.gov.au)

Dear Mr Shepherd

## **Provision of legal services to the Commonwealth of Australia**

I write on behalf of the Large Law Firm Group (LLFG).

The LLFG represents Australia's nine largest multi-jurisdictional law firms Allen-Linklaters, Ashurst, Clayton Utz, Corrs Chambers Westgarth, DLA Piper Australia, Herbert Smith Freehills, King & Wood Mallesons, Minter Ellison and Norton Rose Fulbright. The LLFG Board comprises the senior management of these member firms.

We are one of seventeen constituent bodies that are members of the Law Council of Australia, the profession's peak representative body, which represents around 61,000 Australian lawyers.

Following the Commission of Audit instigated by the Howard Government in 1996 the Commonwealth restructured the arrangements for provision of legal services to the Commonwealth. The measures included the establishment of the Australian Government Solicitor and permitting private sector law firms to compete to provide a wide range of legal services to Commonwealth agencies.

Seventeen years later the Attorney-General, as the First Law Officer of the Commonwealth is supported through four sources of legal expertise :-the Attorney-Generals Department (including the Office of Parliamentary Counsel), in-house counsel branches of each Commonwealth agency the Australian Government Solicitor and the private sector (including private sector law firms and the bar).

Subsequent Australian Governments have reviewed the arrangements for the procurement of legal services from the private sector on numerous occasions (Blunn/Krieger 2009; Lateral Economics 2010). There are now more than 90 law firms approved to provide legal services to the Commonwealth and all of the agencies receive high quality legal services from private sector law firms at rates which are some of the most competitive in the country.

The establishment of the new National Commission of Audit provides the new Australian Government with an opportunity to undertake a comprehensive review of the provision of all legal services to support the Attorney-General, as the First Law Officer of the Commonwealth.

The LLFG invites the National Commission of Audit to consider alternative models for the provision of legal services to support the Attorney-General, as the First Law Officer of the Commonwealth. In particular, the Commission may wish to consider models that result in a collaborative approach between the existing sources of legal services, improved professionalism across all those sources of

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legal services and allocation of demand based on the strengths held by each of those sources of legal services. Such alternative models are likely to deliver greater quality and consistency of service as well as material savings for the Commonwealth.

Yours faithfully,

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