



Public Law and Government

Legal Services - 2018



Public law and government



New South Wales

We undertake work for a variety of NSW government agencies including:

- TfNSW
- RMS
- RailCorp
- NSW Trains
- Office of Environment & Heritage
- Department of Planning & Environment
- Department of Industry
- NSW Department of Education & Communities
- NSW Health
- NSW Land & Housing Corporation
- Department of Finance, Services & Innovation
- Barangaroo Development Authority
- Sydney Trains
- NSW Police Force
- NSW Land and Housing Corporation
- Port Authority of NSW
- Delta Electricity
- Endeavour Energy.

We have advised on the following matters:

Property transactions and advice

- SWOT analysis of various leases and licences
- Inter-relationship of overlapping easements and practical operation of rights and obligations
- Pro-forma licences and leases
- Infrastructure easements
- Traffic management strategies
- Land sales and swaps
- Acquisitions
- Partnering arrangements between agencies.

Contentious property matters

- A dispute regarding the ability to vary waterfront licences
- A dispute regarding obligations to repair under a waterfront lease
- A dispute in relation to the results of a property search which allegedly did not disclose the proximity of a property to a proposed infrastructure project
- Interpretation of covenants to pay rent, repair and maintain and make good under

waterfront leases and licences and the ability to vary the same

- Direct negotiations with tenants, termination arrangements at the end of a long term lease and the strategic issues relating to the re-marketing of property
- Various matters arising out of the insolvency of a tenant including the step in rights and obligations of the financier.

Environment and planning

- Advising on planning assessment pathways for numerous government infrastructure projects, including advising on assessment requirements under Part 5 of the *Environmental Planning & Assessment Act 1979* and land acquisition issues
- Re-zoning of land and the drafting and negotiation of multiple voluntary planning agreements, including for greenfield development in the Lower Hunter Region of NSW and in Western Sydney
- Advising on biodiversity issues and offsets, including securing land for inclusion in the national park estate
- Advising in relation to strategies to secure the legal protection of sensitive environmental features, including advising on the interaction between mining laws and environmental protection legislation
- Assisting government agencies in managing environmental compliance issues, including preparation of legal risk registers
- Strategies to secure vesting and acquisition of infrastructure assets, including advising on legal requirements and preparing supporting documentation
- Acting in Land and Environment Court proceedings, including judicial review, civil enforcement proceedings and Class 1 merit appeals.

Dispute resolution

- Contested subpoenas and subpoenas in sensitive matters
- The fraudulent issue of certification cards and



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- other documents by a private sector organisation whose approval had been cancelled by the agency
- The unauthorised use of agency names and trade marks by a private fundraiser purporting to have been engaged by a charitable organisation to generate funds on their behalf
- The prospects of recovery of funding provided to a senior employee of a NSW government department
- A claim against the agency's former lawyers for professional negligence in connection with a GST clause in an asset disposal contract
- Relationships with private sector operators in contemplation of the implementation of a new policy for the use of agency owned facilities used by those operators
- Advising on potential liability to a former tenant under a letter of comfort arising from a potential change of use of an asset
- A dispute regarding allocation of project risk and rectification of defects in an urban renewal project constructed by a developer with the benefit of a 99 year lease.

Inquiries and administrative law

- An independent review of a series of transactions relating to crown land, involving a 360 degree review of various decisions to convert a perpetual lease to a commercial lease and to change the declared purpose of the land
- Acting for Government witnesses in public hearings before the ICAC.

Discrimination

- The operation of the *Disability Discrimination Act* (Cth) and the assistance animal scheme in NSW.

Coronials

- A coronial in relation to a single vehicle motor accident.

Privacy

- Assisting in the preparation for Privacy Impact Assessments for projects involving the collection of personal and sensitive information from customers where that information is shared with subcontractors and third parties

for verification and other purposes, and making recommendations for privacy notices and relevant practices and retention policies

Workplace health & safety

- Advising a NSW agency on its Work Health & Safety obligations.

Other jurisdictions

We derive significant work from all levels of government. We are on the Commonwealth Legal Services Multi- Use List and provide legal services to Department of Education, Employment and Workplace Relations, Comcare, Bureau of Meteorology, Fair Work Ombudsman, the Native Title Tribunal, the Department of Environment, the Clean Energy Finance Corporation, Screen Australia and Essential Energy.

We have been on the Victorian Government legal services panel (in its various forms) since 2002. We are currently on the property panel. In that capacity we are instructed by the Department of Treasury and Finance, Department of Education and Early Childhood Development, Department of Human Services, VicRoads and Federation Square. We also acted for the Victorian Government in the Cole Royal Commission. We also advise AMES and Rural Workforce Agency Victoria, both of which are part funded by the State.

We have been appointed to the new Queensland Government legal services panel. Our Queensland Government clients include Queensland Business Services Authority, Queensland Building and Construction Commission, Residential Tenancies Authority, Workcover Queensland, Screen Queensland, Ergon and SPARQ Solution.

Staying in touch with Government

Our program

As well as the annual Government lawyers conference, we run ad-hoc seminars specifically tailored for Government lawyers and we produce a fortnightly Government Bulletin, containing news and analysis relevant to NSW Government lawyers.



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If you wish to stay in touch, please send an email to zoe.robinson@holdingredlich.com. You can expect to receive:

- fortnightly editions of Government Bulletin
- an invitation to our annual Government lawyers conference, usually held in February
- invitations to seminars specifically tailored for Government lawyers (around 2-3 per year)
- (for General Counsel and senior government lawyers) invitations to our Thought Leadership Series events, where prior guest speakers have included Ian Temby QC, the NSW Privacy Commissioner Dr Elizabeth Coombs, the Cth Disability and Age Discrimination Commissioner Susan Ryan, Jim Betts, CEO of Infrastructure NSW, Professor Michael Regan of ARRB Group (formerly the Australian Road Research Board) and NSW State Coroner His Honour Magistrate Michael Barnes.

LinkedIn

We also host a LinkedIn group for NSW Government lawyers, through which we distribute Government Bulletin, seminar invitations and the invitation to our annual Government lawyers conference. Search "NSW Government lawyers" under groups in LinkedIn.

Seminars at your agency

Our lawyers are regularly asked to present seminars within agencies and our national knowledge manager regularly presents to NSW Government lawyers on free access online legal research tools and is available to conduct bespoke training on demand.

Sponsorship

Holding Redlich is proud to have been the 2015, 2016, 2017 and 2018 major sponsor of the NSW Law Society's Government Solicitors Conference.





Key Contacts

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