

From: s 22
Sent: Thursday, 30 January 2025 9:10 AM
To: s 22
Cc: s 22
Subject: FW: Request for increase to estimate: BAUMGARTEN Celine Gillian v eSafety Commissioner ART 2024/3798 [AGSDMS-DMS.FID5217244]
[SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

**OFFICIAL: Sensitive
Legal Privilege**

Hi s 22

Apologies for the delay getting this to you but I have put together a variation request for your review and send to procurement for approval. I have put you as endorser and s 22 as delegate. Please note that the original quote was for \$15,380 but we did the original PO for \$16,000. I have put the uplift as \$100,000 which so the new PO will be \$116,000.

The docs (including the quote and approval put together by s 22 can be found at  [Uplift 1](#)

If you need anything else for this just let me know and I'll get on to it when I'm back tomorrow.

Thanks

s 22

s 22, s 42

s_{22}, s_{42}

s_{22}, s_{42}

From: s 22
Sent: Thursday, 20 February 2025 10:07 AM
To: Procurement Enquiries
Cc: s 22; s 22; s 22; s 22
Subject: Contract variation for Purchase order PE00942 / contact number 25CeSC001 [SEC=OFFICIAL]
Attachments: RE: Request for increase to estimate: BAUMGARTEN Celine Gillian v eSafety Commissioner ART 2024/3798 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] [AGSDMS-DMS.FID5217244]; Contract Variation Request - PE00942 (LS-427).docx

OFFICIAL

Good morning procurement team,

Please find attached:

- a contract variation request for purchase order PE00942 / contact number 25CeSC001 seeking an increase in value from \$16,000 to \$100,000 due to the increased work involved in matter.
- approval of the uplift request from s 22.

Please note that the contract manager has been changed to s 22 A/ Principal Lawyer and the Delegate has been changed to s 22 General Counsel.

Best,
s 22

s 22
Principal Lawyer
s 22

 s 22
 [esafety.gov.au](mailto:s 22@esafety.gov.au)



eSafety acknowledges all First Nations people for their continuing care of everything Country encompasses – land, waters and community. We pay our respects to First Nations people, and to Elders past, present and future.

s 22, s 42

s 22, s 42

s 22, s 42

Contract Variation Request

Procurement Title: AAT 2024/3798 / LS-427

Procurement number: 25CeSC001

Variation Number: 1



Entities should not seek, or allow a contract variation where it would amount to a significant change to the underlying contract or significantly vary the scope of the contract where:

- other potential suppliers may have responded differently to the amended contract scope in the tendering process which may have resulted in a different value for money outcome; or*
- the variation may compromise the value for money assessment.*

Entities may seek or allow minor contract variations.

In instances where a significant change of scope is proposed or required, you may need to conduct a new procurement activity.

Contract Extensions

A contract must not be extended unless:

- it contains an option to extend,*
- it is value for money to extend the contract and*
- the contract has not yet expired.*

20 February 2025

Instructions for completing this template:

- The instructions to assist in completing this Plan are in **highlighted text fields** and are required to be completed, please click on the text field once and start typing.
- Double click the check box ☐ and select checked if applicable.

Default value
☐ Not checked
☒ Checked

- **This box and the instructions (text in blue) should be deleted in the final document.**

1. Background

Request for legal advice and representation in the ART regarding ART case number ART 2024/3798 (Legal ref LS-427).

Procurement Method - This procurement is to obtain services from the Australian Government Solicitor's Office.

This is an exempt procurement under the Commonwealth Procurement Rules. It satisfies Exemptions 2 and 7 (check) of Appendix A: procurement of goods or services from another Commonwealth entity.

2. Summary of Contract variation

- Due to the ART Guidance and Appeals Panel requesting further submissions and a hearing on jurisdiction, greater work from AGS required than initially expected including the briefing of junior and senior counsel.

3. Contract Period

[Please provide the information requested below.]

Contract Commencement Date –	3 July 2024
Initial Contract End Date –	30 September 2024
Extension Options –	12 months
Current Contract End Date –	30 September 2025
New Contract End Date –	30 September 2025 with additional extension period of 12 months

4. Financial Considerations

[Please provide the values requested below.]

Estimated whole of life Cost (GST Inc)	\$ 100,000
Initial Contract Value (GST Inc)	\$ 16,000
Current Contract Value (GST Inc)	\$ 16,000

Variation Value (GST Inc)	\$ 84,000
New Contract Value (GST Inc)	\$ 100,000

5. Value for money

This contract variation will constitute value for money to the ACMA/eSafety in the following ways:

- *It will ensure continuity of representation and engagement of counsel in compliance with Legal Services Directions*

6. Budget and Cost Centres

[Before proceeding further, ensure that you have the budget to fund this contract variation. Include a statement that funds are available for the procurement from the operational cost centre codes and / or capital project codes.]

Operational budgets are allocated at the beginning of each financial year for the current plus three forward years. Capital budgets are allocated for the current financial year, capital budget for the forward three years is allocated to divisional General Managers.

If funds are yet to be allocated to your cost centre or project, please evidence approval from your divisional finance manager that funds are available to proceed with this variation. If funds are not approved this procurement will not be endorsed by the Procurement endorser below.]

[Please include the full coding and cash flow forecast by financial year in the table below, GST inclusive.]

Purchase Order Number – PE00942

For costs to be met from Operational Budget								
DESCRIPTION (separate line for each item)	COST CENTRE	PROGRAM	NATURAL ACCOUNT	ACTIVITY	CURRENT CONTRACT VALUE \$ (GST inclusive)	CHANGE AMOUNT \$ Increase/ decrease (GST inclusive)	GST ON CHANGE AMOUNT \$ (this is one eleventh of the GST inclusive variation amount, not one tenth)	TOTAL VALUE \$ (GST inclusive)
Legal advice and representation in AAT re AAT 2024/3798 (LS-427)	447	000	1343	PO	16,000	84,000	0	100,000
<i>For project contractors, allocate to 899-000-4407-PO</i>								100,000
For costs to be met from Project or Capital Budget								

For costs to be met from Operational Budget								
DESCRIPTION (separate line for each item)	PROJECT	TASK	NATURAL ACCOUNT	ASSET CLASS	CURRENT CONTRACT VALUE \$ (GST inclusive)	CHANGE AMOUNT \$ Increase/ decrease (GST inclusive)	GST ON CHANGE AMOUNT \$ (this is one eleventh of the GST inclusive variation amount, not one tenth)	TOTAL VALUE \$ (GST inclusive)
[text]. [Add additional lines if needed]	[text].	[text].	[text].	[text].	[text].	[text].	[text].	[text].
								[text].

Table 1: The estimated costs for the current financial year and relevant outyears.

	FY23/24 \$	FY24/25 \$	FY25/26 \$	FY26/27 \$	FY27/28+ \$
Estimated Financial Year Contract commitment GST inclusive	[Text]	100,000	[Text]	[Text]	[Text]

7. Variation/ Change Order

The contract variation with the supplier will utilise the standing agreement with the Australian Government Solicitor

8. Confirmation that the proposed cost of the contract variation has been included in the relevant cost centre's budget and/or forecast.

[This section is to be completed by a member of the Finance section only. Not Applicable to eSafety.]

The proposed costs have been included in the cost centre's budget and/or forecast. This is limited to the current financial year, any forward year costs associated with the procurement need to be endorsed by the relevant General Manager.

Name
CRD/CID/CCD Finance Manager

9. Procurement Endorsement

[This section is to be completed by a member of the procurement section only, and before signature of the Evaluation Committee and approving Financial Delegate]

This contract variation is endorsed / not endorsed.

[Insert Name]

Procurement endorser

10. Recommendation by Contract Manager

It is recommended that you approve this contract variation, you have delegation pursuant to the PGPA Act to commit the Commonwealth for the GST inclusive value included in section 4 above.

This procurement has been conducted in an efficient, effective, economical, and ethical manner that is not inconsistent with the policies of the Commonwealth.

I declare that I have no conflict of interest.

s 22 – A/ Principal Lawyer
ACMA Contract Manager

11. Delegate Approval – (PGPA Act section 23)

As Delegate your signature below records your approval to:

- > Commit the relevant money in accordance with the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) Section 23(3).
- > Vary the contract with [Australian Government Solicitor](#) as detailed in this variation request.
- > Vary the Purchase Order to record GST inclusive costs, once the Contract Variation is signed by both parties.
- > Confirm the procurement has been conducted in an efficient, effective, economical, and ethical manner that is not inconsistent with the policies of the Commonwealth.

s 22 General Counsel

12. Attachments

- > Attach draft variation/ change order.
- > Attach any other relevant documentation.

