

ROLE DESCRIPTION

Senior Solicitor (Legal Officer Grade V)

Cluster	Stronger Communities	
Department	Department of Communities and Justice	
Division/Branch/Unit	Law Reform & Legal Services / Legal	
Location	TBA	
Classification/Grade/Band	Legal Officer Grade V	
Role Number	TBC	
ANZSCO Code	271311	
PCAT Code	1318192	
Date of Approval	2 December 2021	Ref: OGC 0024
Agency Website	www.dcj.nsw.gov.au	

This role description applies to multiple roles across DCJ. Please see job notes and/or advertisement for more information on specific role qualification requirements and relevant experience.

Agency overview

The Department of Communities and Justice (DCJ) is the lead agency under the Stronger Communities Cluster. DCJ works to enable everyone's right to access justice and help for families through early intervention and inclusion, with benefits for the whole community. Stronger Communities is focussed on achieving safe, just, inclusive and resilient communities by providing services that are effective and responsive to community needs.

Primary purpose of the role

Provide timely high-level litigation and/or legal advice, briefings and correspondence on complex areas of law and policy issues to ensure efficient and effective legal services.

Assist management in the professional supervision of staff and legal services, including coordinating the allocation of resources and workloads, monitoring business and staff performance, providing instruction and direction to enhance and motivate staff to create a cohesive and skilled team.

Key accountabilities

- Provide high-level legal and/or litigation services and advice to clients, senior management and staff in accordance with legislation, policy, guidelines and practice standards.
- Supervise and mentor team members to foster a culture of professional development and continual improvement, and ensure high quality work is delivered and timeframes for legal advice and services are met.
- Develop and review more complex and sensitive legal documents including legal precedents/records, correspondence, reports, submissions, briefing notes, deeds and contracts.

- Contribute to the development, review and implementation of complex legislation and policies, practice standards and legal precedents.
- Manage complex, contentious, or sensitive cases, reviews, research and other legal and administrative activities and provide advice on new and emerging issues in the relevant area of law and their longer-term implications for the Division and the Department.
- Provide high level advice and recommendations and manage large projects involving legal reviews, law reform initiatives, legal standards and practices, strategies, reviewing systems, procedures and processes, including long-term planning to improve legal services and client/stakeholder outcomes.
- Work collaboratively with legal staff internal and external to the Department and stakeholders to consult on proposed legislation, legislative changes and legislative interpretation and legal issues arising.
- Conduct litigation before Courts and/or Tribunals as the Department's representative, and respond to formal and informal requests for information, including court subpoenas and applications under relevant legislation.
- Design and deliver legal education and training programs to internal and external stakeholders and clients to build capacity and facilitate the provision of quality advice and services and a culture of collaboration and continuous improvement.
- Contribute to the design and development of practice group strategy, plans and programs to ensure optimal delivery of operational priorities and efficient effective provision of legal advice and services.

Key challenges

- Managing the provision of high-quality legal services across a team in a high-volume work environment, in accordance with instructions and timeframes.
- Clearly communicating complex legal concepts internally across the organisation and externally to community members.
- Balancing supervisory responsibilities with law reform, policy and project work, building and maintaining partnerships and stakeholders relationships.
- Maintaining current knowledge in relevant areas of law and an understanding of clients with special needs and requirements.

Key relationships

Who	Why
Internal	
Senior Management	For direction and guidance and providing advice, information and reporting
Legal staff within team	Supervise and provide support, advice and information on complex legal matters
Departmental staff	Representing clients and providing advice and information

Law Reform & Legal Services Division, Secretary, Attorney General and Minister's Offices	Prepare submissions, briefing notes and other advice as directed and required in respect of the management of litigated and non-litigated matters involving the Department/Division and matters affecting the operational objectives of the Department/Division
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External	
Other Government Agencies (State and Commonwealth)	Networking and information sharing and in relation to the conduct of legal matters
External Panels	In relation to allocation and conduct of legal matters
Courts, Tribunals and Inquiries	Representation of the Department and/or community
Crown Solicitor's Office	Maintain and develop professional relationships to ensure high level of effective and economic legal advice and service and facilitate provision of advice in urgent and sensitive matters as needed

Role dimensions

Decision making

The role works with a level of autonomy and accountability in delivering legal services and advice. The role makes recommendations and provides advice on solutions, emerging issues and issues that may impact the Division or Department.

The role provides professional leadership and guidance, including allocation of resources and workloads as required and the maintenance of reporting data.

Reporting line

The role reports to the Principal Solicitor / Manager / Director of the functional unit

Direct reports

No of direct reports - TBC

Budget/Expenditure

Nil

Key knowledge and experience

Extensive knowledge and experience in the relevant area/s of law

Essential requirements

- Legal Qualifications and eligibility to hold a practising certificate as a Government legal practitioner issued by the NSW Law Society, with condition 2 removed
- Current and valid Working with Children Check Clearance in accordance with the *Child Protection (Working with Children) Act 2012*
- Where required hold a National Security Clearance at the appropriate level in accordance with the Australian Government Protective Security Policy Framework (PSPF)

Some roles may require the ability to undertake travel for regional court and other commitments subject to the application of any discrimination legislation (including in respect of carer's responsibilities).

Appointments are subject to reference checks. Some roles may also require the following checks/ clearances:

- National Criminal History Record Check in accordance with the *Disability Inclusion Act 2014*
- Working with Children Check clearance in accordance with the *Child Protection (Working with Children) Act 2012*

Capabilities for the role



The [NSW public sector capability framework](#) describes the capabilities (knowledge, skills and abilities) needed to perform a role. There are four main groups of capabilities: personal attributes, relationships, results and business enablers, with a fifth people management group of capabilities for roles with managerial responsibilities. These groups, combined with capabilities drawn from occupation-specific capability sets where relevant, work together to provide an understanding of the capabilities needed for the role.

The capabilities are separated into **focus capabilities** and **complementary capabilities**.

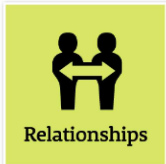


Focus capabilities

Focus capabilities are the capabilities considered the most important for effective performance of the role. These capabilities will be assessed at recruitment.


The focus capabilities for this role are shown below with a brief explanation of what each capability covers and the indicators describing the types of behaviours expected at each level.

FOCUS CAPABILITIES			
Capability group/sets	Capability name	Behavioural indicators	Level
 <p>Personal Attributes</p>	<p>Act with Integrity Be ethical and professional, and uphold and promote the public sector values</p>	<ul style="list-style-type: none"> • Model the highest standards of ethical and professional behaviour and reinforce their use • Represent the organisation in an honest, ethical and professional way and set an example for others to follow • Promote a culture of integrity and professionalism within the organisation and in dealings external to government • Monitor ethical practices, standards and systems and reinforce their use • Act promptly on reported breaches of legislation, policies and guidelines 	Advanced
 <p>Relationships</p>	<p>Communicate Effectively Communicate clearly, actively listen to others, and respond with understanding and respect</p>	<ul style="list-style-type: none"> • Present with credibility, engage diverse audiences and test levels of understanding • Translate technical and complex information clearly and concisely for diverse audiences • Create opportunities for others to contribute to discussion and debate • Contribute to and promote information sharing across the organisation • Manage complex communications that involve understanding and responding to multiple and divergent viewpoints • Explore creative ways to engage diverse audiences and communicate information 	Advanced

FOCUS CAPABILITIES

Capability group/sets	Capability name	Behavioural indicators	Level
		<ul style="list-style-type: none"> Adjust style and approach to optimise outcomes Write fluently and persuasively in plain English and in a range of styles and formats 	
 <p>Relationships</p>	<p>Influence and Negotiate Gain consensus and commitment from others, and resolve issues and conflicts</p>	<ul style="list-style-type: none"> Influence others with a fair and considered approach and present persuasive counter-arguments Work towards mutually beneficial 'win-win' outcomes Show sensitivity and understanding in resolving acute and complex conflicts and differences Identify key stakeholders and gain their support in advance Establish a clear negotiation position based on research, a firm grasp of key issues, likely arguments, points of difference and areas for compromise Anticipate and minimise conflict within the organisation and with external stakeholders 	Advanced
 <p>Results</p>	<p>Think and Solve Problems Think, analyse and consider the broader context to develop practical solutions</p>	<ul style="list-style-type: none"> Undertake objective, critical analysis to draw accurate conclusions that recognise and manage contextual issues Work through issues, weigh up alternatives and identify the most effective solutions in collaboration with others Take account of the wider business context when considering options to resolve issues Explore a range of possibilities and creative alternatives to contribute to system, process and business improvements Implement systems and processes that are underpinned by high- quality research and analysis Look for opportunities to design innovative solutions to meet user needs and service demands Evaluate the performance and effectiveness of services, policies and programs against clear criteria 	Advanced
 <p>Business Enablers</p>	<p>Project Management Understand and apply effective planning, coordination and control methods</p>	<ul style="list-style-type: none"> Understand all components of the project management process, including the need to consider change management to realise business benefits Prepare clear project proposals and accurate estimates of required costs and resources 	Adept

FOCUS CAPABILITIES

Capability group/sets	Capability name	Behavioural indicators	Level
		<ul style="list-style-type: none"> Establish performance outcomes and measures for key project goals, and define monitoring, reporting and communication requirements Identify and evaluate risks associated with the project and develop mitigation strategies Identify and consult stakeholders to inform the project strategy Communicate the project's objectives and its expected benefits Monitor the completion of project milestones against goals and take necessary action Evaluate progress and identify improvements to inform future projects 	
	Manage and Develop People Engage and motivate staff, and develop capability and potential in others	<ul style="list-style-type: none"> Define and clearly communicate roles, responsibilities and performance standards to achieve team outcomes Adjust performance development processes to meet the diverse abilities and needs of individuals and teams Develop work plans that consider capability, strengths and opportunities for development Be aware of the influences of bias when managing team members Seek feedback on own management capabilities and develop strategies to address any gaps Address and resolve team and individual performance issues, including unsatisfactory performance, in a timely and effective way Monitor and report on team performance in line with established performance development frameworks 	Adept

This role also utilises the Legal Professionals Capability Set. The capability set is available at www.psc.nsw.gov.au/workforce-management/capability-framework/occupation-specific-capability-sets/legal-capability-set

Focus Occupation Specific Capabilities

Capability name	Capability Set	Level
Capability description Legal Advice	<ul style="list-style-type: none"> Independently identify the client, scope, purpose and form of legal advice required in complex, urgent or sensitive matters. 	Level 3



Provide quality independent legal advice and explanation of legal issues

- Clarify and refine instructions where appropriate and assist others to do so.
- Deal independently with vulnerable clients, including where capacity may be in issue or where ethical or cross-cultural issues arise.
- Independently analyse and apply relevant law to complex facts, incorporating policy, probity and operational considerations, and creatively formulating options.
- Independently identify and advise upon emerging legal risks and their strategic, commercial and policy implications.
- Provide guidance to others on selection of external legal services providers and approve the briefing of external legal services providers within financial delegations.
- Conduct quality assurance of external legal advice provided and provide feedback to external legal providers.
- Provide professional supervision to other legal roles in preparing legal advice to assure the quality and consistency of the advice provided.

Legal drafting

Prepare legal documents to achieve client outcomes

- Draft complex court and tribunal documents with guidance in contentious or significant matters. Level 3
- Draft complex court and tribunal documents to implement litigation strategies while complying with procedural, evidentiary and ethical requirements.
- Draft legally complex transactional documents, adapting precedents or drafting bespoke documents as required, to meet the requirements of the transaction or project and appropriately manage legal risk.
- Use advanced legal knowledge and experience to draft, review or amend complex legal documents which comply with policy, achieve the client's purpose, and minimise legal and commercial risk.
- Apply advanced legal knowledge and understanding of stylistic and mechanical requirements to drafting transactional documents, interpreting and negotiating provisions as required.
- Provide supervision to other legal professionals in preparing legal documents to assure the quality of documentation.

Legal Research

Undertake Legal Research

- Apply an understanding of the applicable legal system, relevant sources of law and operation of precedent to legal research tasks. Level 2






	<ul style="list-style-type: none"> • Undertake legal research tasks in an efficient and targeted manner by selecting relevant, current and authoritative materials and analysing the information found to guide further research. • Present reliable, clear and accurate results of legal research undertaken and suggest avenues for further research. • Make effective use of knowledge management and legal research technologies to achieve results. 	
<p>Litigation and Dispute Resolution Litigate and resolve disputes effectively in relevant forums and jurisdictions</p>	<ul style="list-style-type: none"> • Model behaviour expected of government lawyers, provide guidance on model litigant and ethical issues. • Apply extensive knowledge of court and/or tribunal rules, practice notes and procedures to conduct litigation efficiently and effectively in accordance with best practice. • Review and supervise conduct and planning of litigation, settle pleadings, formulate and recommend appropriate strategy. • Conduct high level forensic and strategic analysis and preparation of evidence with regard to the case plan, and confer with expert and other key witnesses. • Apply high level strategy and negotiation skills to resolve disputes; represent clients in dispute resolution processes including mediation and arbitration, and protect the client from associated risks and unnecessary costs. • Provide guidance to others on selection of external legal services providers and approve the briefing of external legal services providers within financial delegations. • Conduct quality assurance of external legal services provided and provide feedback. 	<p>Level 3</p>

Complementary capabilities

Complementary capabilities are also identified from the Capability Framework and relevant occupation-specific capability sets. They are important to identifying performance required for the role and development opportunities.

Note: capabilities listed as 'not essential' for this role is not relevant for recruitment purposes however may be relevant for future career development.

COMPLEMENTARY CAPABILITIES

Capability Group/Sets	Capability Name	Description	Level
 Personal Attributes	Display Resilience and Courage	Be open and honest, prepared to express your views, and willing to accept and commit to change	Adept
	Manage Self	Show drive and motivation, an ability to self-reflect and a commitment to learning	Adept
	Value Diversity and Inclusion	Demonstrate inclusive behaviour and show respect for diverse backgrounds, experiences and perspectives	Adept
 Relationships	Commit to Customer Service	Provide customer-focused services in line with public sector and organisational objectives	Adept
	Work Collaboratively	Collaborate with others and value their contribution	Adept
 Results	Deliver Results	Achieve results through the efficient use of resources and a commitment to quality outcomes	Adept
	Plan and Prioritise	Plan to achieve priority outcomes and respond flexibly to changing circumstances	Adept
	Demonstrate Accountability	Be proactive and responsible for own actions, and adhere to legislation, policy and guidelines	Adept
 Business Enablers	Finance	Understand and apply financial processes to achieve value for money and minimise financial risk	Intermediate
	Technology	Understand and use available technologies to maximise efficiencies and effectiveness	Adept
	Procurement and Contract Management	Understand and apply procurement processes to ensure effective purchasing and contract performance	Intermediate
 People Management	Inspire Direction and Purpose	Communicate goals, priorities and vision, and recognise achievements	Intermediate
	Optimise Business Outcomes	Manage people and resources effectively to achieve public value	Intermediate
	Manage Reform and Change	Support, promote and champion change, and assist others to engage with change	Intermediate

Complementary Occupation Specific Capabilities



Capability name	Description	Level
Advocacy	Act as an effective and ethical advocate	Level 3
Statutory Interpretation	Interpret legislation, subordinate legislation and instruments in accordance with legislation and accepted legal principles	Level 2