

# ROLE DESCRIPTION

## Solicitor (Legal Officer Grade IV)

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 IV	
Role Number	Generic	
ANZSCO Code	271311	
PCAT Code	1318192	
Date of Approval	2 December 2021	Ref: OGC 0025
Agency Website	<a href="http://www.dcj.nsw.gov.au">www.dcj.nsw.gov.au</a>	

***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 contribute to efficient and effective delivery of legal services and the work of Legal.

Provide supervision and guidance to legal staff to ensure delivery of quality professional legal services..

### 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 provide guidance to staff to ensure delivery of quality professional legal services.
- Interpret, analyse and prepare more complex legal documents including legal records, correspondence, legislation, policies, reports, submissions, briefing notes, wills, trusts, deeds and contracts.
- Undertake more complex, contentious, or sensitive legal and administrative activities, research and cases allocated within established standards, procedures, policies and delegations.
- Provide high level advice and recommendations on the development and implementation of legal standards and practices, strategies, systems, procedures and processes for the area.

- 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.
- Deliver legal education and training programs to internal and external stakeholders and clients.

## Key challenges

- Provision of high-quality legal services in a high-volume work environment, in accordance with instructions and timeframes.
- Maintaining current knowledge in relevant areas of law and an understanding of clients with special needs and requirements.
- Clearly communicating complex legal concepts internally across the organisation and externally to community members.
- Supervising and managing direct reports to create a co-operative and efficient team environment.

## Key relationships

Who	Why
<b>Internal</b>	
Senior Management	For direction and guidance and providing advice, information and reporting
Legal staff within team	To provide guidance, support, advice and information
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
<b>External</b>	
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 in a team environment and with a high level of independence and is expected to provide high level advice and research on more complex, contentious or sensitive legal matters.

The role is expected to be proactive in the development of work plans and priorities.

### Reporting line

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

### Direct reports

TBC

### Budget/Expenditure

N/a

### **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.
- 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
 Personal Attributes	<b>Act with Integrity</b> Be ethical and professional, and uphold and promote the public sector values	<ul style="list-style-type: none"> <li>• Model the highest standards of ethical and professional behaviour and reinforce their use</li> <li>• Represent the organisation in an honest, ethical and professional way and set an example for others to follow</li> <li>• Promote a culture of integrity and professionalism within the organisation and in dealings external to government</li> <li>• Monitor ethical practices, standards and systems and reinforce their use</li> <li>• Act promptly on reported breaches of legislation, policies and guidelines</li> </ul>	Advanced
 Relationships	<b>Communicate Effectively</b> Communicate clearly, actively listen to others, and respond with understanding and respect	<ul style="list-style-type: none"> <li>• Present with credibility, engage diverse audiences and test levels of understanding</li> <li>• Translate technical and complex information clearly and concisely for diverse audiences</li> <li>• Create opportunities for others to contribute to discussion and debate</li> <li>• Contribute to and promote information sharing across the organisation</li> <li>• Manage complex communications that involve understanding and responding to multiple and divergent viewpoints</li> <li>• Explore creative ways to engage diverse audiences and communicate information</li> <li>• Adjust style and approach to optimise outcomes</li> <li>• Write fluently and persuasively in plain English and in a range of styles and formats</li> </ul>	Advanced
 Results	<b>Think and Solve Problems</b> Think, analyse and consider the broader context to develop practical solutions	<ul style="list-style-type: none"> <li>• Research and apply critical- thinking techniques in analysing information, identify interrelationships and make recommendations based on relevant evidence</li> <li>• Anticipate, identify and address issues and potential problems that may have an impact on organisational objectives and the user experience</li> <li>• Apply creative-thinking techniques to generate new ideas and options to</li> </ul>	Adept

## FOCUS CAPABILITIES

Capability group/sets	Capability name	Behavioural indicators	Level
		<p>address issues and improve the user experience</p> <ul style="list-style-type: none"> <li>• Seek contributions and ideas from people with diverse backgrounds and experience</li> <li>• Participate in and contribute to team or unit initiatives to resolve common issues or barriers to effectiveness</li> <li>• Identify and share business process improvements to enhance effectiveness</li> </ul>	
 <p>Business Enablers</p>	<p><b>Project Management</b> Understand and apply effective planning, coordination and control methods</p>	<ul style="list-style-type: none"> <li>• Perform basic research and analysis to inform and support the achievement of project deliverables</li> <li>• Contribute to developing project documentation and resource estimates</li> <li>• Contribute to reviews of progress, outcomes and future improvements</li> <li>• Identify and escalate possible variances from project plans</li> </ul>	Intermediate

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](http://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		
 <p>Legal</p>	<p><b>Legal Advice</b> Provide quality independent legal advice and explanation of legal issues</p>	<ul style="list-style-type: none"> <li>• Identify the client, purpose, scope and form of legal advice required, and factors such as urgency or sensitivity.</li> <li>• Obtain relevant information in complex matters and seek clarification or further information where necessary.</li> <li>• Manage legal issues relating to vulnerable clients, including where capacity may be in issue or where ethical or cross-cultural issues arise, with minimal guidance.</li> <li>• Analyse and apply relevant law to the facts, and advises on available options, while identifying the relevant policy, probity and operational considerations, with minimal supervision.</li> <li>• Identify legal risks attached to particular courses of action and appropriate policies,</li> </ul>	Level 2

	<p>processes and controls to manage legal risks, with minimal supervision.</p> <ul style="list-style-type: none"> <li>• Review and approve the use of external legal services providers based on task and expertise required; supervises briefs.</li> <li>• Manage relationship between external legal services providers and legal staff, with minimal supervision.</li> <li>• Ensure legal work is completed to a high standard, and in a timely and cost-effective manner.</li> </ul>	
<p><b>Legal Research</b> Undertake Legal Research</p>	<ul style="list-style-type: none"> <li>• Apply an understanding of the applicable legal system, relevant sources of law and operation of precedent to legal research tasks.</li> <li>• 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.</li> <li>• Present reliable, clear and accurate results of legal research undertaken and suggest avenues for further research.</li> <li>• Make effective use of knowledge management and legal research technologies to achieve results.</li> </ul>	<p>Level 2</p>
<p><b>Legal drafting</b> Prepare legal documents to achieve client outcomes</p>	<ul style="list-style-type: none"> <li>• Adapt precedents and templates to draft legally and procedurally correct court and tribunal documents with minimal guidance.</li> <li>• Apply knowledge of relevant procedural, evidentiary and ethical rules to draft effective court or tribunal documents.</li> <li>• Use relevant precedents to draft logically organised transactional documents which meet the requirements of the transaction or project.</li> <li>• Assist clients by using legal knowledge to draft, review or amend legal documents which achieve the client's intended purpose, comply with policy and minimise legal and commercial risk.</li> <li>• Apply knowledge of the law and stylistic and mechanical requirements to drafting transactional documents to ensure that documents drafted are legally effective.</li> </ul>	<p>Level 2</p>
<p><b>Litigation and Dispute Resolution</b></p>	<ul style="list-style-type: none"> <li>• Conduct litigation in accordance with model litigant requirements; deal fairly with self-represented litigants, and treat opponents</li> </ul>	<p>Level 2</p>


Litigate and resolve disputes effectively in relevant forums and jurisdictions




- and other members of the legal profession with respect.
- Conduct litigation efficiently and effectively in accordance with court and/or tribunal rules and practice notes, directions and timetables.
  - Apply relevant legal knowledge and experience to analysis of facts, pleadings and evidence, identify legal issues and develop a case plan.
  - Gather and organise relevant evidence, including conferring with lay and expert witnesses to identify and prepare relevant evidence.
  - Identify matters suitable for early resolution and undertake dispute resolution processes including negotiation, while protecting the client from risks and unnecessary costs.
  - Review and approve the use of external legal services providers based on task and expertise required; supervises briefs.
  - Brief and manage external legal services providers and ensure legal work is performed to the required standards, with minimal supervision.

## 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
	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
	Influence and Negotiate	Gain consensus and commitment from others, and resolve issues and conflicts	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	Intermediate
	Procurement and Contract Management	Understand and apply procurement processes to ensure effective purchasing and contract performance	Intermediate

## Complementary Occupation Specific Capabilities

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