

Role Description

Director Legislative Law & Advice



Planning,
Industry &
Environment

Cluster	Planning, Industry & Environment
Agency	Department of Planning, Industry & Environment
Division/Branch/Unit	Legal Services
Location	Sydney
Classification/Grade/Band	Band 1
Senior Executive Work Level Standards	Work Contribution Stream: Professional/Technical/Specialist
ANZSCO Code	271299
PCAT Code	211 81 92
Date of Approval	2014 (updated September 2019)
Agency Website	http://www.dpie.nsw.gov.au

Agency Overview

The Planning, Industry and Environment Cluster was formed in 2019. The Cluster drives greater levels of integration and efficiency across key areas such as long-term planning, precincts, housing, property, infrastructure priorities, open space, the environment, our natural resources – land, water, mining – energy, and growing our industries. There is a strong emphasis on regional NSW.

Primary purpose of the role

The Director leads a team of legal professionals responsible for providing expert advice and innovative legal services to senior stakeholders, focusing on specific areas of legal practice, to ensure legal service delivery enables and facilitates the achievement of Departmental priorities.

Key accountabilities

- Provide leadership and expert advice to Ministers, the Secretary, Chief Legal Counsel, Senior Executives and internal and external stakeholders to facilitate the management and resolution of a diverse range of legal, regulatory and compliance matters which impact the Department's capacity to achieve its strategic goals.
- Direct the research, analysis and interpretation of complex policy, legal and regulatory issues, to prepare high quality and articulate submissions, reviews and recommendations that add value to decision makers, enhance the decision making process and improve the efficacy of the Department's activities and impact on stakeholders.
- Keep abreast of contemporary legal advancements and develop innovative policy and legal options in response to challenging operational requirements to expand the Department's ability to effectively deliver its core business and enhance the experience and outcomes for the community and stakeholders it serves.

- Lead and monitor the efficiency and effectiveness of the team's service delivery and day to day operations, to ensure policy, legal and regulatory compliance and that risk is identified, minimised and managed.
- Assess and respond to the impact of changes in the operating environment on legal, policy and regulatory frameworks to ensure a high level of integration with the broader context, including the Department's direction and role within government.
- Lead and represent the Department and Portfolio Ministers in high level negotiations and meetings regarding legal issues.
- Lead the team to ensure that priorities are clearly articulated, and staff potential is maximised.

Key challenges

- Managing competing strategic priorities and different portfolio perspectives in a time constrained and rapidly changing environment to deliver responsive, high quality and strategically focused advice.
- Achieving a balance between day to day operational compliance and regulatory demands with the need for forward looking and innovative policy and legal solutions which better position the agency in the future.
- Integrating knowledge of the work of the Department, the operation of government and legislation, and absorbing diverse technical information quickly to integrate into problem solving and decision making processes.

Key relationships

Who	Why
Internal	
General Counsel	<ul style="list-style-type: none"> • Provide advice and work collegially. • Keep advised of key legal matters and in conjunction with the General Counsel resolve them in the best interests of the Department, agencies, Government and people of NSW.
Executive Director, Planning, Environment and Resources	<ul style="list-style-type: none"> • Support the Executive Director in leading the Planning, Environment and Resources group, including providing counsel and recommendations to influence organisational decisions and initiatives and leadership in area of subject matter expertise.
Executive Leadership Team, Internal clients	<ul style="list-style-type: none"> • Develop and maintain effective relationships to enhance the team's capacity to provide expert legal services to support the management and resolution of a diverse range of legal, regulatory and compliance matters. • Provide legal expertise, counsel and professional leadership.
Executive Directors and Directors in the Governance and Legal Division	<ul style="list-style-type: none"> • Maintain effective and collaborative relationships with colleagues, participating in the formulation of cluster legal strategies and solutions, and sharing of information.
Director, Policy and Legislation	<ul style="list-style-type: none"> • Support delivery of creative legislative solutions by contributing to seamless legal service delivery involving legislative options.

Who	Why
Key clients	Provide legal advice and maintain relationships with key clients to align the team's resources to corporate priorities, offer innovative legal solutions and identify key legal risks.
External	
NSW Government agencies	<ul style="list-style-type: none"> • Develop effective working relationships to share information • Facilitate stakeholder engagement activities obtain support and cooperation and achieve mutual outcomes
Service providers	<ul style="list-style-type: none"> • Ensure advice and service provided are appropriate for project requirements

Role dimensions

Decision making

The Director:

- is accountable for the management of the team and planning to achieve the overall agreed work program
- has considerable autonomy and independence to determine day to day work priorities, deploy resources and allocate duties
- negotiates matters related to area of responsibility, and makes decisions in relation to the quality of work performed and methods and approaches for how to achieve business outcomes
- is fully accountable for the content, accuracy, validity and integrity of advice provided
- must consult with the Executive Director on major issues arising during the course of work performed
- makes decisions and acts within Government sector core values, strategic plans and priorities,
- legislative and regulatory frameworks, delegations, and agency policy and procedural frameworks and guidelines
- is accountable and responsible for the effective management and use of human, financial and other resources within set budget and resource parameters

Reporting line

Executive Director, Planning, Environment and Resources

Direct reports

Up to 6 Direct reports; 6 indirect reports.

Budget/Expenditure

N/A

Essential requirements






- Eligible to hold a current practicing certificate in NSW.
- Demonstrated and superior current knowledge and expertise in relevant legislation.
- Demonstrated and superior current knowledge of administrative law and statutory interpretation


Capabilities for the role

The NSW Public Sector Capability Framework applies to all NSW public sector employees. The Capability Framework is available at www.psc.nsw.gov.au/capabilityframework

Capability summary

Below is the full list of capabilities and the level required for this role. The capabilities in bold are the focus capabilities for this role. Refer to the next section for further information about the focus capabilities.

NSW Public Sector Capability Framework		
Capability Group	Capability Name	Level
 Personal Attributes	Display Resilience and Courage	Highly Advanced
	Act with Integrity	Advanced
	Manage Self	Advanced
	Value Diversity	Adept
 Relationships	Communicate Effectively	Highly Advanced
	Commit to Customer Service	Advanced
	Work Collaboratively	Advanced
	Influence and Negotiate	Advanced
 Results	Deliver Results	Advanced
	Plan and Prioritise	Advanced
	Think and Solve Problems	Advanced
	Demonstrate Accountability	Advanced
 Business Enablers	Finance	Intermediate
	Technology	Adept
	Procurement and Contract Management	Adept
	Project Management	Adept
 People Management	Manage and Develop People	Advanced
	Inspire Direction and Purpose	Advanced
	Optimise Business Outcomes	Advanced
	Manage Reform and Change	Advanced

Legal Professionals Capability Set		
Capability Group	Capability Name	Level
 Legal	Statutory Interpretation	Level 4
	Legal Research	Level 4

Focus capabilities

The focus capabilities for the role are the capabilities in which occupants must demonstrate immediate competence. The behavioural indicators provide examples of the types of behaviours that would be expected at that level and should be reviewed in conjunction with the role's key accountabilities.

NSW Public Sector Capability Framework		
Group and Capability	Level	Behavioural Indicators
Personal Attributes Display Resilience and Courage	Highly Advanced	<ul style="list-style-type: none"> • Create a climate which encourages and supports openness, persistence and genuine debate around critical issues • Provide sound exposition and argument for agreed positions while remaining open to valid suggestions for change • Raise critical issues and make tough decisions • Respond to significant, complex and novel challenges with a high level of resilience and persistence • Consistently use a range of strategies to keep control of own emotions and act as a stabilising influence even in the most challenging situations
Personal Attributes Act with Integrity	Advanced	<ul style="list-style-type: none"> • Model the highest standards of ethical behaviour and reinforce them in others • Represent the organisation in an honest, ethical and professional way and set an example for others to follow • Ensure that others have a working understanding of the legislation and policy framework within which they operate • 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 on reported breaches of rules, policies and guidelines
Relationships Communicate Effectively	Highly Advanced	<ul style="list-style-type: none"> • Articulate complex concepts and put forward compelling arguments and rationales to all levels and types of audiences • Speak in a highly articulate and influential manner • State the facts and explain their implications for the organisation and key stakeholders • Promote the organisation's position with authority and credibility cross-government, cross-jurisdictionally and outside of government • Actively listen, and identify ways to ensure all have an opportunity to contribute • Anticipate and address key areas of interest for the audience and adapt style under pressure
Relationships Work Collaboratively	Advanced	<ul style="list-style-type: none"> • Build a culture of respect and understanding across the organisation • Recognise outcomes which resulted from effective collaboration between teams • Build co-operation and overcome barriers to information sharing, communication and collaboration across the organisation and cross-government

NSW Public Sector Capability Framework

Group and Capability	Level	Behavioural Indicators
Results Deliver Results	Advanced	<ul style="list-style-type: none"> Facilitate opportunities to engage and collaborate with external stakeholders to develop joint solutions Drive a culture of achievement and acknowledge input of others Investigate and create opportunities to enhance the achievement of organisational objectives Make sure others understand that on-time and on-budget results are required and how overall success is defined Control output of business unit to ensure government outcomes are achieved within budget Progress organisational priorities and ensure effective acquisition and use of resources Seek and apply the expertise of key individuals to achieve organisational outcomes
Results Think and Solve Problems	Advanced	<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 Take account of the wider business context when considering options to resolve issues Explore a range of possibilities and creative alternatives to contribute to systems, process and business improvements Implement systems and processes that underpin high quality research and analysis
Business Enablers Project Management	Advanced	<ul style="list-style-type: none"> Prepare scope and business cases for more ambiguous or complex projects including cost and resource impacts Access key subject-matter experts' knowledge to inform project plans and directions Implement effective stakeholder engagement and communications strategy for all stages of projects Monitor the completion of projects and implement effective and rigorous project evaluation methodologies to inform future planning Develop effective strategies to remedy variances from project plans, and minimise impacts Manage transitions between project stages and ensure that changes are consistent with organisational goals
People Management Manage and Develop People	Advanced	<ul style="list-style-type: none"> Refine roles and responsibilities over time to achieve better business outcomes Recognise talent, develop team capability and undertake succession planning Coach and mentor staff and encourage professional development and continuous learning Provide timely, constructive and objective feedback to staff

NSW Public Sector Capability Framework

Group and Capability	Level	Behavioural Indicators
		<ul style="list-style-type: none"> Address and resolve team and individual performance issues, including serious unsatisfactory performance, in a timely and effective way Implement performance development frameworks to align workforce capability with the organisation's current and future priorities and objectives

Legal Professionals Capability Set

Group and Capability	Level	Behavioural Indicators
Legal Statutory Interpretation	Level 4	<ul style="list-style-type: none"> Identify and solve highly complex statutory interpretation problems through application of an extensive knowledge of the legislative process and common law, and resolve competing interpretations. Make use of extrinsic materials to resolve ambiguity and highly complex or challenging statutory interpretation issues, consistent with legislative and common law requirements. Understand and apply current legislation relating to interpretation of statutes to solve highly complex interpretation issues. Solve complex and challenging statutory interpretation problems through an extensive understanding of the structure and operation of Acts and subordinate legislation.
Legal Legal Advice	Level 3	<ul style="list-style-type: none"> Provide guidance on complex issues concerning client identity, multiple clients, scope of instructions, purpose, sensitivity or urgency. Provide guidance and leadership on legal issues relating to vulnerable clients, including where capacity may be in issue or where ethical or cross-cultural issues arise. Apply a high level understanding and expert analysis of policy, probity and operational issues to provide solutions and options to resolve complex and sensitive legal questions. Review legal risk management across the organisation and advise on the strategic, commercial and policy considerations of decisions. Review internal legal capacity and expertise and develop options for the provision of legal services, including managing cost and tender processes. Monitor and review relationships with external legal services providers and evaluate cost effectiveness, timeliness and quality of services provided. Provide professional supervision to other legal roles in preparing legal advice, to assist in their professional development and assure the quality of the advice provided.