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| **Cluster** | Justice |
| **Division/Branch/Unit** | NSW Trustee and Guardian |
| **Location** | Sydney |
| **Classification/Grade/Band** | Legal Officer Grade V |
| **ANZSCO Code** | 271311 |
| **Role Number** | TBA |
| **PCAT Code** | 1119192 |
| **Date of Approval** | 15 September 2020  | **REF: NSWTG 0117** |
| **Agency Website** | [www.justice.nsw.gov.au](http://www.justice.nsw.gov.au) |

# Agency overview

Supporting over 35,000 customers annually and administering in excess of $6bn in customer assets, NSW Trustee & Guardian (NSWTG) is a statutory agency within the Stronger Communities (formerly Justice) Cluster. The agency supports the Chief Executive Officer of the NSWTG and the Public Guardian (PG), to protect and promote the rights, dignity, choices and wishes of the people of New South Wales. We do this by providing independent and impartial financial management, guardianship and trustee services that support our customers and help them manage their health, lifestyle and financial affairs and ensure their wishes are respected.

# Primary purpose of the role

Provide timely high-level advice, briefings and correspondence on complex areas of law and policy issues to ensure efficient and effective legal services in relation to legal services provided by NSW Trustee and Guardian.

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 services and advice to clients, senior management and staff in accordance with case law, legislation, policy, guidelines and practice standards.
* Oversee the co-ordination of outsourced legal services and escalate any service delivery concerns or unsolved matters to the Principal Solicitor.
* Supervise and develop staff and provide professional direction to ensure the delivery of quality legal services.
* Develop and review more complex and sensitive legal documents including legal records, correspondence, reports, submissions and briefing notes,.
* Contribute to the development, review and implementation of complex legislation and policies and practice standards.
* Manage complex, contentious, or sensitive cases, reviews, research 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 Department.
* 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 outcomes.
* Work collaboratively with legal staff internal and external to the Department and stakeholders to consult on proposed legislation, legislative changes and legislative interpretation.
* Conduct litigation before Courts and/or Tribunals as the Department’s representative and to respond to formal and informal requests for information including court subpoenas and applications under relevant legislation.

# 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.
* Meeting the challenges of supervisory responsibilities.
* Maintaining current knowledge in relevant areas of law and an understanding of clients with special needs and requirements.

# Key relationships

| Who | Why |
| --- | --- |
| **Internal** |  |
| Principal Solicitor | For direction and guidance and providing advice, information and reporting |
| Legal Officers | Supervise and provide support, advice and information on complex legal matters |
| **External** |  |
| Other Government Agencies | Networking and information sharing |
| Clients and Community | Representing clients and providing advice and information  |

# 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.

## Reporting line

This role reports to the Principal Solicitor.

## Direct reports

The role will be responsible for supervising legal officers

## Budget/Expenditure

Nil

# Essential requirements

* Legal Qualifications and must be admitted to practice and have a current NSW practising certificate.
* Extensive knowledge and experience in the relevant area/s of law.
* All roles in NSWTG require a willingness to have phone calls monitored for monitoring and training purposes

# Capabilities for the role

The NSW Public Sector Capability Framework applies to all NSW public sector employees. The Capability Framework is available at <http://www.psc.nsw.gov.au/workforce-management/capability-framework/the-capability-framework>

## 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** |
|  | Display Resilience and Courage | Advanced |
|  | **Act with Integrity** | **Advanced** |
|  | Manage Self | Adept |
|  | Value Diversity | Adept |
|  | **Communicate Effectively** | **Advanced** |
|  | Commit to Customer Service | Advanced |
|  | Work Collaboratively | Adept |
|  | Influence and Negotiate | Adept |
|  | **Deliver Results** | **Adept** |
|  | Plan and Prioritise | Adept |
|  | **Think and Solve Problems** | **Advanced** |
|  | Demonstrate Accountability | Adept |
|  | **Finance** | **Intermediate** |
|  | Technology | Intermediate |
|  | Procurement and Contract Management | Intermediate |
|  | Project Management | Adept |
|  | **Manage and Develop People** | **Intermediate** |
|  | Inspire Direction and Purpose | Intermediate |
|  | Optimise Business Outcomes | Intermediate |
|  | Manage Reform and Change | Intermediate |

| Occupation / profession specific capabilities |
| --- |
| **Capability Set** | **Category and Sub-category** | **Level and Code** |
|  | **Statutory Interpretation**Interpret legislation, subordinate legislation and instruments in accordance with legislation and accepted legal principles | **Level 3** |
| **Legal Advice** Provide quality independent legal advice and explanation of legal issues | **Level 3** |
| Litigation and Dispute ResolutionsLitigate and resolve disputes effectively in relevant forums and jurisdictions | Level 3 |

## 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**Act with Integrity | Advanced | Model the highest standards of ethical behaviour and reinforce them in othersRepresent the organisation in an honest, ethical and professional way and set an example for others to followEnsure that others have a working understanding of the legislation and policy framework within which they operatePromote a culture of integrity and professionalism within the organisation and in dealings external to governmentMonitor ethical practices, standards and systems and reinforce their useAct on reported breaches of rules, policies and guidelines |
| **Relationships**CommunicateEffectively | Advanced | Present with credibility, engage varied audiences and test levels of understandingTranslate technical and complex information concisely for diverse audiencesCreate opportunities for others to contribute to discussion and debate Actively listen and encourage others to contribute inputsAdjust style and approach to optimise outcomesWrite fluently and persuasively in a range of styles and formats |
| **Results**Deliver Results | Adept | Take responsibility for delivering on intended outcomes Make sure team/unit staff understand expected goals and acknowledge successIdentify resource needs and ensure goals are achieved within budget and deadlines Identify changed priorities and ensure allocation of resources meets new business needsEnsure financial implications of changed priorities are explicit and budgeted forUse own expertise and seek others' expertise to achieve work outcomes |
| **Results**Think and Solve Problems | Advanced | Undertake objective, critical analysis to draw accurate conclusions that recognise and manage contextual issuesWork through issues, weigh up alternatives and identify the most effective solutionsTake account of the wider business context when considering options to resolve issuesExplore a range of possibilities and creative alternatives to contribute to systems, process and business improvementsImplement systems and processes that underpin high quality research and analysis |
| **Business Enablers**Finance | Intermediate | Understand basic financial terminology, policies and processes, including the difference between recurrent and capital spendingTake account of financial and budget implications, including value for money in planning decisionsPresent basic financial information to a target audience in an appropriate formatUnderstand financial audit, reporting and compliance obligations and the actions needed to satisfy them Display an awareness of financial risk and exposure and solutions to address these |
| **People Management**Manage and Develop People | Intermediate | Ensure that roles and responsibilities are clearly communicatedCollaborate on the establishment of clear performance standards and deadlines in line with established performance development frameworksDevelop team capability and recognise and develop potential in peopleBe constructive and build on strengths when giving feedbackIdentify and act on opportunities to provide coaching and mentoringRecognise performance issues that need to be addressed and work towards resolution of issues |

| Occupation / profession specific capabilities |
| --- |
| **Capability Set** | **Category and Sub-category** | **Level and Code** |
| **Legal** | **Statutory Interpretation**Interpret legislation, subordinate legislation and instruments in accordance with legislation and accepted legal principles | **Level 3**Apply understanding of the legislative process and common law to identify and solve complex issues of statutory interpretation. Make use of extrinsic materials to resolve ambiguity and complex statutory interpretation issues, consistent with legislative and common law requirements. Understand and apply current legislation relating to interpretation of statutes to solve complex interpretation issues. Draw on detailed knowledge of the structure and operation of Acts and subordinate legislation in undertaking statutory interpretation. |
| **Legal** | **Legal Advice** Provide quality independent legal advice and explanation if legal issues | **Level 3**Independently identify the client, scope, purpose and form of legal advice required in complex, urgent or sensitive matters. 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 approves briefing of external legal services providers. 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 of the advice provided. |