



# Role Description

## Senior Lawyer – Tort and Compensation Law

Cluster	Stronger Communities
Agency	NSW Police Force
Command/Business Unit	Office of the General Counsel, Tort and Compensation Law
Location	Woolloomooloo
Classification/Grade/Band	Grade 5
ANZSCO Code	271299
PCAT Code	1128192
NSWPF Role Number	RD-126
Date of Approval	14/11/2016
Agency Website	<a href="http://www.police.nsw.gov.au">www.police.nsw.gov.au</a>

### Agency overview

The NSW Police Force (NSWPF) vision is for *A Safer New South Wales*, which is achieved by police working with the community to prevent, disrupt and respond to crime.

It is one of the largest police forces in the western world, with more than 20,000 NSW Police Force employees, including more than 17,000 sworn officers providing a range of law and order services 24 hours a day, seven days a week to the socially, geographically and culturally diverse community of NSW.

The organisation has four function lines, based across a number of locations. Metropolitan Field Operations and Regional NSW Field Operations provide frontline services directly to the community. Investigations & Counter Terrorism provides investigative, technical and counter terrorism expertise. Corporate Services, provides business support services such as technology and communication, education and training and corporate human resources functions.

The NSW Police Force is a proud employer of a diverse range of people. This includes, but is not limited to, people who identify as Aboriginal or Torres Strait Islander, LGBTIQ, people with disability, people who come from a variety of cultural, religious or ethnic backgrounds, and workers of all ages. The NSWPF is committed to reflecting the diverse community we serve and creating an inclusive and respectful workplace for all employees, where difference is embraced, contributions are valued, and everyone has a sense of connection and belonging. This enables the growth and development of a talented and diverse workforce across the state, in a wide range of roles, at all levels.

The NSWPF *Statement of Values* and *Code of Conduct & Ethics* outlines appropriate behaviour for all NSW Police Force staff. All employees of NSWPF are expected to ensure ethics are incorporated into all aspects of their work making ethical behaviour, practices and decision making a part of daily routine. This further extends to ensuring confidentiality and information security is maintained at all times.

Work, Health and Safety legislation requires all employees to have specific responsibilities. This role is responsible for following all NSWPF health and safety policies, and taking all reasonable care that their actions or omissions do not impact on the health and safety of others.

## Primary purpose of the role

The Senior Lawyer is responsible for assessing intentional tort and negligence claims against NSWPF and, where appropriate having regard to the law, precedent, operating procedures and the Model Litigant Policy, defending those claims.

## Key accountabilities

- Analyse potential liability and manage disputes and litigation in accordance with government policy (including Model Litigant Policy).
- Instruct and oversight external legal advisers where claims are briefed to ensure strategic and cost effective management of claims.
- Draft legal advices and reports about claims regarding the lawfulness of the exercise by NSWPF officers of their statutory and common law duties and claims regarding negligence.
- Provide expert advice on claims and prepare submissions, briefs and reports to inform decision making.
- Provide information, support and assistance to witnesses.
- Provide appropriate and timely litigation/dispute advice and status updates to senior executives and Ministers, as appropriate.
- Work collaboratively with other lawyers and officers within the Office of General Counsel (OGC) to promote consistency and rigour of legal advice, share knowledge and contribute to increasing the capability of the OGC as a whole.
- Develop recommendations or strategies to address systemic issues that are identified to minimise future claims and develop and deliver training within the organisation to raise awareness and skills development and assist management to implement strategic initiatives.
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## Key challenges

- Develop a detailed understanding of the statutory and common law powers available to NSWPF officers and their lawful exercise and applicable policy and knowledge of relevant law remains current given statutory and case law developments.
- Develop and maintain sound working relationships with commanders/managers and other stakeholders to support service delivery.
- Manage competing demands of day to day workload, mentoring junior staff and implementing strategic initiatives.

## Key relationships

Who	Why
<b>Internal*</b>	
Director	<ul style="list-style-type: none"> <li>• Receive guidance and provide regular updates on key projects, issues, priorities and business objectives.</li> <li>• Provide advice and contribute to decision making</li> <li>• Identify emerging issues/risks and their implications and propose solutions</li> <li>• Escalate sensitive or complex issues</li> </ul>
Work Team	<ul style="list-style-type: none"> <li>• Guide, support, coach and mentor team members</li> <li>• Work collaboratively to contribute to delivery of business outcomes</li> </ul>

Who	Why
	<ul style="list-style-type: none"> <li>• Mentor junior members to ensure the unit achieves outcomes, meets deadlines, and generally operate at a senior level to develop and maintain enduring client relationships.</li> <li>• Information exchange</li> </ul>
Other Members of NSWPF	<ul style="list-style-type: none"> <li>• Develop and maintain effective working relationships</li> <li>• Provide advice and guidance</li> <li>• Resolve issues where possible and escalate where necessary</li> <li>• Information exchange</li> <li>• Support, as required, in preparation for Court hearings</li> <li>• Preparation and delivery of training/ feedback sessions as required</li> </ul>
<b>External</b>	
Legal Service Providers, TMF Fund Management Staff, Panel Management, other State agencies	<ul style="list-style-type: none"> <li>• Establish and maintain effective working partnerships to ensure that claims against the State of NSW/NSWPF are managed to resolution in the most effective manner consistent with policies and guidelines</li> </ul>
Lawyers representing plaintiffs and plaintiffs in person	<ul style="list-style-type: none"> <li>• Information exchange and, where appropriate, resolution of claims in the most effective manner consistent with policies and guidelines</li> </ul>

## Role dimensions

### Decision making

This role has autonomy to make decisions regarding the prioritisation of their day to day work functions and prepare legal advice and recommendations in liaison with the Director

### Reporting line

- Director – Tort and Compensation Law – Band 1

### Direct reports

- Nil

### Budget/Expenditure

- Nil

## Key knowledge and experience

- Developed legal research and analytical skills.
- Developed oral and written communication skills including drafting in plain English.
- Experience or capability at briefing efficiently and in a cost-effective manner.

## Essential requirements

- Obtain and maintain the requisite security clearances for this position.
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- Admitted as a solicitor of the Supreme Court of NSW with proven experience as a litigation lawyer in personal injury, intentional torts or related law.
- Demonstrated experience in liability claims management or work in a similar field.
- Understand the functions, rules and processes, and potential consequences of litigation and dispute resolution in a variety of forums and jurisdictions, including courts and tribunals.
- Understand the fundamentals of litigation at the trial court and appellate court level.

## 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>Display Resilience and Courage</b> Be open and honest, prepared to express your views, and willing to accept and commit to change	<ul style="list-style-type: none"> <li>• Remain composed and calm and act constructively in highly pressured and unpredictable environments</li> <li>• Give frank, honest advice in response to strong contrary views</li> <li>• Accept criticism of own ideas and respond in a thoughtful and considered way</li> <li>• Welcome new challenges and persist in raising and working through novel and difficult issues</li> <li>• Develop effective strategies and show decisiveness in dealing with emotionally charged situations and difficult or controversial issues</li> </ul>	Advanced
	<b>Manage Self</b> Show drive and motivation, an ability to self-reflect and a commitment to learning	<ul style="list-style-type: none"> <li>• Keep up to date with relevant contemporary knowledge and practices</li> <li>• Look for and take advantage of opportunities to learn new skills and develop strengths</li> <li>• Show commitment to achieving challenging goals</li> <li>• Examine and reflect on own performance</li> <li>• Seek and respond positively to constructive feedback and guidance</li> <li>• Demonstrate and maintain a high level of personal motivation</li> </ul>	Adept
 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

## FOCUS CAPABILITIES

Capability group/sets	Capability name	Behavioural indicators	Level
	<b>Influence and Negotiate</b> Gain consensus and commitment from others, and resolve issues and conflicts	<ul style="list-style-type: none"> <li>• Influence others with a fair and considered approach and present persuasive counter-arguments</li> <li>• Work towards mutually beneficial 'win-win' outcomes</li> <li>• Show sensitivity and understanding in resolving acute and complex conflicts and differences</li> <li>• Identify key stakeholders and gain their support in advance</li> <li>• Establish a clear negotiation position based on research, a firm grasp of key issues, likely arguments, points of difference and areas for compromise</li> <li>• Anticipate and minimise conflict within the organisation and with external stakeholders</li> </ul>	Advanced
 <b>Results</b>	<b>Plan and Prioritise</b> Plan to achieve priority outcomes and respond flexibly to changing circumstances	<ul style="list-style-type: none"> <li>• Understand the links between the business unit, organisation and the whole-of-government agenda</li> <li>• Ensure business plan goals are clear and appropriate and include contingency provisions</li> <li>• Monitor the progress of initiatives and make necessary adjustments</li> <li>• Anticipate and assess the impact of changes, including government policy and economic conditions, on business plans and initiatives and respond appropriately</li> <li>• Consider the implications of a wide range of complex issues and shift business priorities when necessary</li> <li>• Undertake planning to help the organisation transition through change initiatives, and evaluate progress and outcomes to inform future planning</li> </ul>	Advanced





## FOCUS CAPABILITIES

Capability group/sets	Capability name	Behavioural indicators	Level
	<b>Think and Solve Problems</b> Think, analyse and consider the broader context to develop practical solutions	<ul style="list-style-type: none"> <li>• Undertake objective, critical analysis to draw accurate conclusions that recognise and manage contextual issues</li> <li>• Work through issues, weigh up alternatives and identify the most effective solutions in collaboration with others</li> <li>• Take account of the wider business context when considering options to resolve issues</li> <li>• Explore a range of possibilities and creative alternatives to contribute to system, process and business improvements</li> <li>• Implement systems and processes that are underpinned by high-quality research and analysis</li> <li>• Look for opportunities to design innovative solutions to meet user needs and service demands</li> <li>• Evaluate the performance and effectiveness of services, policies and programs against clear criteria</li> </ul>	Advanced
 Business Enablers	<b>Technology</b> Understand and use available technologies to maximise efficiencies and effectiveness	<ul style="list-style-type: none"> <li>• Identify opportunities to use a broad range of technologies to collaborate</li> <li>• Monitor compliance with cyber security and the use of technology policies</li> <li>• Identify ways to maximise the value of available technology to achieve business strategies and outcomes</li> <li>• Monitor compliance with the organisation's records, information and knowledge management requirements</li> </ul>	Adept

## 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 are not relevant for recruitment purposes however may be relevant for future career development.

COMPLEMENTARY CAPABILITIES			
Capability group/sets	Capability name	Description	Level
 Personal Attributes	Act with Integrity	Be ethical and professional, and uphold and promote the public sector values	Adept
	Value Diversity and Inclusion	Demonstrate inclusive behaviour and show respect for diverse backgrounds, experiences and perspectives	Intermediate
 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
	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
	Procurement and Contract Management	Understand and apply procurement processes to ensure effective purchasing and contract performance	Intermediate

Version Control		
Version	Summary of Changes	Date
V1.0	Position Description translated into Role Description template	14.11.2016
V1.1	Update into new template, Title change from Legal Officer – Litigation as per SAP as direct Reports/Unit	27.05.2021
V1.2	Update essent req by replacing at least 5yrs experience with proven experience	16.06.2021

Roles attached							
Position Number	Region	Position Number	Region	Position Number	Region	Position Number	Region
51221082	OGC						