

# Role Description

## Chief Investigator

Cluster	Regional NSW
Agency	Department of Regional NSW
Division/Branch/Unit	Resources Regulator / Major Safety Investigations
Location	Maitland
Role number	52004671
Classification/Grade/Band	Inspector Grade 4
ANZSCO Code	139912
PCAT Code	1119192
Date of Approval	August 2020
Agency Website	<a href="http://www.resourcesregulator.nsw.gov.au">www.resourcesregulator.nsw.gov.au</a>

### Agency overview

The Department of Regional NSW (DRNSW) was formed in 2020 as a central agency for regional issues. The Department is responsible for building resilient regional economies and communities, strengthening primary industries, managing the use of regional land, overseeing the state's mineral and mining resources and ensuring that government investment into regional NSW is fair and delivers positive outcomes for local communities and businesses.

Resource management is a key issue for regional communities which is why the NSW Resources Regulator is part of DRNSW. The Regulator is the State's work health and safety regulator for mines and petroleum sites and undertakes compliance and enforcement activities in relation to the *Mining Act 1992*, with a key focus on mine rehabilitation activities.

The Regulator was established on 1 July 2016 as a standalone regulator with the purpose of increasing industry and community confidence in the regulation of the mining industry through a consistent, transparent and responsive regulatory approach. Our vision is a safe and responsible mining, extractive and petroleum industry. Our mission is to enable and support industry to understand and fulfil its obligations.

### Primary purpose of the role

The Chief Investigator leads and directs the Resources Regulator's investigations function to achieve compliance and enforcement outcomes designed to improve industry performance, safety and the understanding of rights and responsibilities. The role has oversight of prosecutions and other significant enforcement actions under the *Work Health and Safety Act 2011*, *Mining Act 1992* and any other legislation regulated by the organisation.

### Key accountabilities

- Lead and manage a team of specialists to undertake timely, targeted and responsive compliance and enforcement activities, intelligence gathering and investigations.

- Oversee the development of high quality and transparent investigative policies and procedures to enable efficient and effective investigation of compliance with statutory or regulatory requirements and support any consequential enforcement activity.
- Provide timely, expert, strategic and tactical advice to executive stakeholders on known and emerging regulatory issues, investigations, litigation, and compliance and enforcement operations to enable informed decision making.
- Provide investigative support, assistance and guidance in relation to enforcement, audit and inspection functions across the Regulator.
- Contribute to development and manage the implementation of relevant governance frameworks, associated systems, policies and processes, to ensure program integrity and effective implementation of the government's regulatory regime.
- Provide technical support and advice to inform legal determinations and decisions and represent the department in legal proceedings arising from compliance and enforcement actions such as prosecution and/or other court activities.
- Ensure that all material of an evidentiary nature, including correspondence and documentation related to provision of regulatory and compliance activities, enforcement actions, breaches of regulations and reported non-compliance, is registered and managed appropriately to facilitate imposition of breach remedies and/or litigation.

## Key challenges

- Leading investigations into sensitive and sometimes confronting matters, including fatalities and serious injuries, and liaising with families and key stakeholders including the NSW Coroner and NSW Police.
- Making assessments on complex and significant matters underpinned by multiple pieces of legislation, to ensure recommendations and decisions are correct, legally defensible and deliver fair outcomes.
- Achieving balance between the need for sensitive management of investigations and outcomes which attract significant public and media interest and the value of harnessing the media to enhance compliance outcomes.

## Key relationships

Who	Why
<b>Internal</b>	
Executive Director	<ul style="list-style-type: none"> <li>• Provide expert strategic and operational advice to inform decision making by the Executive Director, Deputy Secretary, Secretary and Minister on complex regulatory issues</li> </ul>
Executive	<ul style="list-style-type: none"> <li>• Provide expert advice on critical issues relating to matters of legislation, regulation and investigation</li> <li>• Develop productive and collaborative working relationships</li> <li>• Engage in service design, delivery and assessment to continually improve delivery models and solutions</li> <li>• Ensure stakeholder satisfaction advice informs decisions at all executive levels</li> </ul>
Major Safety Investigations staff	<ul style="list-style-type: none"> <li>• Lead, direct and support</li> <li>• Set performance expectations and manage team performance and development</li> </ul>

Who	Why
<b>External</b>	
Stakeholder groups	<ul style="list-style-type: none"> <li>Lead and participate in forums, groups and discussions to share information, represent DRNSW and obtain feedback regarding compliance interventions</li> </ul>
Other Government Agencies	<ul style="list-style-type: none"> <li>Establish professional networks to conduct joint investigations, maintain currency, share ideas and learnings, and collaborate on common responses to emerging and/or developing issues</li> </ul>
Providers of Law Enforcement/ Prosecutors of Law	<ul style="list-style-type: none"> <li>Engage to deliver successful outcomes which enhance regulatory and compliance performance</li> </ul>

## Role dimensions

### Decision making

- Exercising the statutory functions and powers of the *Work Health Safety Act 2011*, *Work Health and Safety (Mines and Petroleum Sites) Act 2013*, *Mining Act 1992* and any other Acts under which the Resources Regulator may regulate, as delegated.
- Autonomy to make day-to-day decisions, prioritising projects and programs.
- Directs the management of investigative, reporting, enforcement and litigation activities to ensure effective regulatory outcomes.
- Contributes to the establishment of policies, procedures, systems and processes to manage investigative, compliance and enforcement decision-making and activities.

### Reporting line

This role reports to the Executive Director Resources Regulator

### Direct reports

Approximately 11

### Budget/Expenditure

\$250,000 expenditure delegation

### Key knowledge and experience

- Extensive investigative experience preferably in a number of regulatory contexts.
- Extensive skills and experience in managing compliance and enforcement programs and activities, interpreting legislation, application of regulatory policy and guidelines, preferably in Government regulation.

### Essential requirements

- Tertiary qualifications in one or more of the following areas: work health and safety, investigations, law or forensics (or equivalent) and/or extensive experience in undertaking complex and sensitive investigations in a regulatory environment.
- Hold and maintain a current Class C driver licence.

- Compliance with the Resources Regulator [Integrity Clearance](#) policy is **mandatory**, and a **condition of engagement** for staff engaged after 3 December 2019.
- Compliance with the Resources Regulator [Pecuniary Interests in the Regulated Sector](#) policy is **mandatory**.
- Appointment and ongoing assignment is subject to the satisfactory participation in ongoing health screening.

## 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.

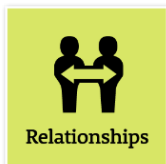
The capabilities are separated into **focus capabilities** and **complementary capabilities**.

### 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>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
	<b>Commit to Customer Service</b> Provide customer-focused services in line with public sector and organisational objectives	<ul style="list-style-type: none"><li>• Promote a customer-focused culture in the organisation and consider new ways of working to improve customer experience</li><li>• Ensure systems are in place to capture customer service insights to improve services</li></ul>	Advanced



Relationships

- Initiate and develop partnerships with customers to define and evaluate service performance outcomes
- Promote and manage alliances within the organisation and across the public, private and community sectors
- Liaise with senior stakeholders on key issues and provide expert and influential advice
- Identify and incorporate the interests and needs of customers in business process design and encourage new ideas and innovative approaches
- Ensure that the organisation's systems, processes, policies and programs respond to customer needs

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### **Work Collaboratively**

Collaborate with others and value their contribution

- Recognise outcomes achieved through effective collaboration between teams **Advanced**
- Build cooperation and overcome barriers to information sharing, communication and collaboration across the organisation and across government
- Facilitate opportunities to engage and collaborate with stakeholders to develop joint solutions
- Network extensively across government and organisations to increase collaboration
- Encourage others to use appropriate collaboration approaches and tools, including digital technologies



Results

### **Think and Solve Problems**

Think, analyse and consider the broader context to develop practical solutions

- Undertake objective, critical analysis to draw accurate conclusions that recognise and manage contextual issues **Advanced**
- 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

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### **Demonstrate Accountability**

- Design and develop systems to establish and measure accountabilities **Advanced**

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- Be proactive and responsible for own actions, and adhere to legislation, policy and guidelines
- Ensure accountabilities are exercised in line with government and business goals
  - Exercise due diligence to ensure work health and safety risks are addressed
  - Oversee quality assurance practices
  - Model the highest standards of financial probity, demonstrating respect for public monies and other resources
  - Monitor and maintain business-unit knowledge of and compliance with legislative and regulatory frameworks
  - Incorporate sound risk management principles and strategies into business planning
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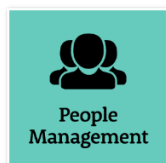


### **Project Management**

Understand and apply effective planning, coordination and control methods

- Prepare and review project scope and business cases for projects with multiple interdependencies
- Access key subject-matter experts' knowledge to inform project plans and directions
- Design and implement effective stakeholder engagement and communications strategies for all project stages
- Monitor project completion and implement effective and rigorous project evaluation methodologies to inform future planning
- Develop effective strategies to remedy variances from project plans and minimise impact
- Manage transitions between project stages and ensure that changes are consistent with organisational goals
- Participate in governance processes such as project steering groups

Advanced



### **Manage and Develop People**

Engage and motivate staff, and develop capability and potential in others

- 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
- Prioritise addressing and resolving team and individual performance issues and ensure that this approach is cascaded throughout the organisation
- Implement performance development frameworks to align workforce capability with the organisation's current and future priorities and objectives

Advanced

### **Inspire Direction and Purpose**

Communicate goals, priorities and vision, and recognise

- Promote a sense of purpose, and help the team to understand the strategic direction of the organisation and the needs of customers and stakeholders

Adept






achievements	<ul style="list-style-type: none"> <li>• Translate broad organisational strategy and goals into tangible team goals and explain the links for the team</li> <li>• Ensure that team objectives and outcomes lead to the implementation of government priorities and create value for customers and stakeholders</li> <li>• Work to remove barriers to achieving goals</li> </ul>	
<b>Manage Reform and Change</b> Support, promote and champion change, and assist others to engage with change	<ul style="list-style-type: none"> <li>• Clarify the purpose and benefits of continuous improvement for staff and provide coaching and leadership in times of uncertainty</li> <li>• Assist others to address emerging challenges and risks and generate support for change initiatives</li> <li>• Translate change initiatives into practical strategies and explain these to staff, and their role in implementing them</li> <li>• Implement structured change management processes to identify and develop responses to cultural barriers</li> </ul>	Advanced



## 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	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	Communicate Effectively	Communicate clearly, actively listen to others, and respond with understanding and respect	Advanced
	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
 Business Enablers	Finance	Understand and apply financial processes to achieve value for money and minimise financial risk	Adept
	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	Optimise Business Outcomes	Manage people and resources effectively to achieve public value	Adept