

Role Description

Legal Counsel



Cluster	Transport
Agency	Sydney Metro
Division/Branch/Unit	Office of the Chief Executive / Legal
Location	680 George Street, Sydney and other site locations
Classification/Grade/Band	TSSM
Role Number	Various
ANZSCO Code	271299
PCAT Code	1228192
Date of Approval	July 2018
Agency Website	https://www.sydneymetro.info/

Agency overview

Sydney Metro is leading Australia's biggest public transport infrastructure program, developing and delivering a new world-class metro railway system for Sydney.

As a new NSW Government statutory authority, Sydney Metro has been tasked with developing and delivering metro railways, and managing their operations. Sydney Metro also leads the development of vibrant station precincts to meet customer and community needs, transforming the way Sydney travels and helping shape the future of Australia's largest city.

Primary purpose of the role

The primary purpose of this role is to deliver high quality; high value, timely and solutions focused legal services and independent advice for the organisation. Depending on the area of expertise, advice will be required to be provided in relation to projects that are highly complex, highly sensitive, have a high profile and have high financial, reputational or operational risks, as well as on more day to day routine matters such as high volume construction and projects work.

Key accountabilities

- Live the NSW Public Sector and organisational values to achieve outstanding outcomes for the organisation and customers
- Provide expert, timely, clear, comprehensive and solution focused planning and legal services in a manner that supports organisational outcomes and performance while addressing legal risk
- Proactively engage and partner with key internal clients to provide a significant contribution to achieving the delivery of agency goals, including the formulation of legal solutions in response to complex problems while at all times maintaining their support and trust
- Engage with key internal clients to identify and capitalise on opportunities to improve the legislative framework and business processes
- Maximise the value and quality of legal services delivered by optimising the mix of internal and external service delivery including by developing and delivering high quality legal precedents to ensure consistency in approach across the Agency and the cluster

- Ensure systematic and strategic legal risks regarding projects are identified and raised with the Deputy General Counsel or Senior Legal Counsel, and proactively work with senior managers to facilitate solutions
- Initiate and develop knowledge sharing, expertise and skills within the Legal team, educating the organisation and clients to improve decision making in construction and projects law issues
- Forge consultative working relationships with the key internal clients nominated by the Deputy General Counsel or Senior Legal Counsel to improve early decision making in connection with the management of projects legal risks

Key challenges

- Supporting the Deputy General Counsel or Senior Legal Counsel in the development of Sydney Metro practice management systems and procedures, while at the same time managing and reconciling numerous competing strategic priorities and different business perspectives from within the Agency in a time constrained environment where some of those matters have a high level of political interest and public visibility
- Balancing a high volume work environment and demands resulting from tight timeframes and competing priorities so as to ensure consistent high quality strategic and responsive legal advice and services, against the requirement to also spend time in gaining a deep knowledge of the business of key clients
- Forging strategic long term partnerships and consultative working relationships with key stakeholders including Ministers' offices, the Executive, nominated key clients, the Crown Solicitor, other government agencies and external law firms to achieve desired policy solutions and business outcomes.

Key relationships

Who	Why
Ministerial	
Ministers and Ministers' offices	<ul style="list-style-type: none"> • Provide expert advice on project legal issues and especially in connection with complex and/or controversial matters
Internal	
Deputy General Counsel or Senior Legal Counsel	<ul style="list-style-type: none"> • Escalate issues, keep informed, advise and receive instructions • Contribute to strategic planning and decision making consistent with the vision for the team
Legal team	<ul style="list-style-type: none"> • Proactively shares observations, practices and lessons with other Unit team members and also assists other members in smoothing out the workload • Work cooperatively within the team, exchange information and assist other team members to achieve team objectives and work outcomes
Senior Executives	<ul style="list-style-type: none"> • Provide expert advice and solutions based legal services for projects issues generally
Key clients	<ul style="list-style-type: none"> • Provide legal advice and develop on-going relationships with key clients to proactively identify key legal risks at as early a stage as possible and to gain a deep understanding of the business operations and environment in which those clients operate

Who	Why
Projects lawyers in RMS, Sydney Trains and TfNSW	<ul style="list-style-type: none"> To share information and expertise in order to achieve efficiencies across the cluster legal team
External	
External law firms	<ul style="list-style-type: none"> Negotiate and improve quality and cost of external legal services

Role dimensions

Decision making

The role operates with a high level of autonomy within the requirements of the agreed work plan and establishes strategic operational priorities in consultation with the Manager. The position holder is expected to deliver assigned projects on time and at or below budget and is fully accountable for the quality, integrity and accuracy of expert advice provided

Reporting line

The role reports directly to either the Deputy General Counsel or Senior Legal Counsel

Direct reports

The role has no direct reports.

Budget/Expenditure

This role is responsible for ensuring that the time spent on providing legal assistance on capital projects is capitalised to the cost of those projects.

This role is responsible for ensuring the efficient use of external legal budgets.

Essential requirements

- Eligible to hold a practicing certificate in NSW
- Superior current knowledge and expertise in at least one of the following other areas of law:
 - Front end construction law
 - Infrastructure Projects
- Proven capability to obtain highly developed skills in other practice areas

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.

This role also utilises an occupation specific capability set which contains information from the Legal Professionals Capability Set. The capability set is available at <https://www.psc.nsw.gov.au/workforce-management/capability-framework/occupation-specific-capability-sets/legal-capability-set>

NSW Public Sector Capability Framework

Capability Group	Capability Name	Level
 Personal Attributes	Display Resilience and Courage	Adept
	Act with Integrity	Advanced
	Manage Self	Adept
	Value Diversity	Adept
 Relationships	Communicate Effectively	Advanced
	Commit to Customer Service	Adept
	Work Collaboratively	Advanced
	Influence and Negotiate	Advanced
 Results	Deliver Results	Adept
	Plan and Prioritise	Adept
	Think and Solve Problems	Advanced
	Demonstrate Accountability	Advanced
 Business Enablers	Finance	Intermediate
	Technology	Intermediate
	Procurement and Contract Management	Adept
	Project Management	Adept

Occupation / profession specific capabilities

Capability Set	Capability	Level
 Legal	Legal Advice	2
	Statutory Interpretation	2
	Litigation and Dispute Resolution	2

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	<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

NSW Public Sector Capability Framework

Group and Capability	Level	Behavioural Indicators
		<ul style="list-style-type: none"> • 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	Advanced	<ul style="list-style-type: none"> • Present with credibility, engage varied audiences and test levels of understanding • Translate technical and complex information concisely for diverse audiences • Create opportunities for others to contribute to discussion and debate • Actively listen and encourage others to contribute inputs • Adjust style and approach to optimise outcomes • Write fluently and persuasively in a range of styles and formats
Relationships Commit to Customer Service	Adept	<ul style="list-style-type: none"> • Take responsibility for delivering high quality customer-focused services • Understand customer perspectives and ensure responsiveness to their needs • Identify customer service needs and implement solutions • Find opportunities to co-operate with internal and external parties to improve outcomes for customers • Maintain relationships with key customers in area of expertise • Connect and collaborate with relevant stakeholders within the community
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 • Facilitate opportunities to engage and collaborate with external stakeholders to develop joint solutions
Relationships Influence and Negotiate	Advanced	<ul style="list-style-type: none"> • Influence others with a fair and considered approach and present persuasive counter-arguments • Work towards mutually beneficial win/win outcomes • Show sensitivity and understanding in resolving acute and complex conflicts • Identify key stakeholders and gain their support in advance

NSW Public Sector Capability Framework

Group and Capability	Level	Behavioural Indicators
		<ul style="list-style-type: none"> Establish a clear negotiation position based on research, a firm grasp of key issues, likely arguments, points of difference and areas for compromise Pre-empt and minimise conflict within the organisation and with external stakeholders
Results Deliver Results	Adept	<ul style="list-style-type: none"> Take responsibility for delivering on intended outcomes Make sure team/unit staff understand expected goals and acknowledge success Identify resource needs and ensure goals are achieved within budget and deadlines Identify changed priorities and ensure allocation of resources meets new business needs Ensure financial implications of changed priorities are explicit and budgeted for Use own expertise and seek others' expertise to achieve work 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
Results Demonstrate Accountability	Advanced	<ul style="list-style-type: none"> Design and develop systems to establish and measure accountabilities 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
Business Enablers Procurement and Contract Management	Adept	<ul style="list-style-type: none"> Apply legal, policy and organisational guidelines and procedures in relation to procurement and contract management

NSW Public Sector Capability Framework

Group and Capability	Level	Behavioural Indicators
		<ul style="list-style-type: none"> • Develop well written, well-structured procurement documentation that clearly sets out the business requirements • Monitor procurement and contract management processes to ensure they are open, transparent and competitive, and that contract performance is effective • Be aware of procurement and contract management risks, and what actions are expected to mitigate these • Evaluate tenders and select providers in an objective and rigorous way, in line with established guidelines and principles • Escalate procurement and contract management issues where required

Occupation specific capability set (Legal Professionals)

Capability	Level	Level Description
Legal Advice	2	<ul style="list-style-type: none"> • Identify the client, purpose, scope and form of legal advice required, and factors such as urgency or sensitivity. • Obtain relevant information in complex matters and seek clarification or further information where necessary. • 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. • 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. • Identify legal risks attached to particular courses of action and appropriate policies, processes and controls to manage legal risks, with minimal supervision. • Review and approve the use of external legal services providers based on task and expertise required; supervises briefs. • Manage relationship between external legal services providers and legal staff, with minimal supervision. • Ensure legal work is completed to a high standard, and in a timely and cost-effective manner.