

# Role Description

## Executive Director Legal and Confiscations

Role Description Fields	Details
Cluster	Stronger Communities
Department/Agency	NSW Crime Commission
Division/Branch/Unit	Legal and Confiscations
Role number	
Classification/Grade/Band	PSSE 2
Senior executive work level standards	Band 2
ANZSCO Code	139999
PCAT Code	1119192
Date of Approval	2 November 2023
Agency Website	<a href="https://www.crimecommission.nsw.gov.au/">https://www.crimecommission.nsw.gov.au/</a>

### Role of the NSW Crime Commission

The NSW Crime Commission is established to prevent, disrupt and reduce the incidence of organised and other serious crime and to pursue confiscation of the proceeds of crime. The Commission is structured into several divisions, support teams and specialist units.

The function of conducting confiscations and providing legal services is assigned to the Commission's Legal Services and Confiscations Division under the leadership of the Executive Director Legal and Confiscations. The Commission's Confiscations function and practice manages responsibilities under the Criminal Assets Recovery Act 1990 principally relating to the confiscation of the proceeds of crime and recovery of assets derived from crime. Legal Services support the Commission's Investigative and Confiscation functions providing legal advice, litigation services and support to coercive powers under the Crime Commission Act 2012.

### Primary Purpose of the Role

The primary purpose of the role of the Executive Director Legal and Confiscations is to provide strategic leadership and direction to the Legal and Confiscations Division to deliver the Commission's strategic outcomes. The Executive Director Legal and Confiscations reports directly to the Commissioner and forms an integral part of the Commission Executive leadership team responsible for delivering strategic operational and investigative outcomes. The Executive Director Legal and Confiscations works with and to the Assistant Commissioner supporting the exercise of statutory and coercive powers conferred on the Commission.

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The Executive Director Legal and Confiscations also provides expert, authoritative advice and support to the Commissioner and Management Committee, in relation to all Commission confiscations, legal issues, litigation and Commission legal matters and capabilities. The role is responsible for leading and directing the strategic and operational confiscation and legal capabilities of the Commission inclusive of joint investigations with the Commission's partner agencies.

The Executive Director Legal and Confiscations champions a culture of continuous improvement and ethical, transparent decision-making.

### Key Accountabilities

- Support and facilitate the exercise of statutory powers vested in the Commission providing strategic leadership and direction to the Commission's Legal and Confiscations division.
- Works in collaboration with the Executive Director Operations in supporting criminal and financial investigation outcomes and multi-disciplinary approaches to operations, investigations and confiscations.
- Provides principal and authoritative counsel to the Commissioner with respect to emerging trends and patterns regarding confiscations, legal issues and services managed by the Commission.
- Exercises specialist, authoritative influence with regards to the Commission's legal and confiscation operational risk appetite and continuous improvement of legal, operational and confiscation frameworks, methodologies and approaches.
- Supports the Commissioner and the Commission Executive in creating, developing and implementing the strategic, governance and administrative management direction of the Commission.
- Directs and oversees concurrent confiscation matters and operations of varying complexities and sensitivities in accordance with Commission references, policies and procedures.
- Directs and oversees concurrent legal services to confiscations, investigations and operations of varying complexities and sensitivities in accordance with Commission references, policies and procedures.
- Establishes, builds and maintains relationships with the Commission's partner agencies to facilitate confiscation and legal strategies and activities, execute seamless confiscations and legal activities that engender support for strategic initiatives and contribute to good practice operational outcomes.
- Leads, champions and promotes a positive, inclusive and constructive workplace culture which invests in people, fosters innovation, continuous improvement and enhancement of capabilities.
- Actively leads, promotes and supports a workplace culture of inclusion and diversity which reflects the diversity of our community.
- As an accountable and responsible leader promoting an effective performance framework aligned to Commission strategic plans, outcomes, and performance.
- Models the behaviours, values and expectations of the Code of Conduct and Commission Leadership Principles and fosters this with executive, managers and staff within the division.
- Leads accountability, responsibility and effective decision making in the management of finance, budget and resources optimising effective strategic and operational outcomes of the Commission.

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- Leads accountability for risk management frameworks, culture, systems and services including leading enterprise, divisional risk planning and assessments, ensuring risk competence.
- Champions and leads a positive learning and development culture focused on the development, delivery and sustainment of investing in people, talent and capabilities.
- Ensure participation and compliance within the division with learning, development and training programs and policies, including satisfactory completion of all mandatory training.
- Support and promote a safe workplace leading a positive culture which is safety aware, ensures that a culture of safe behaviour is well understood and embeds 'Think Safe, Work Safe and Live Safe'.

### Key Recordkeeping Accountabilities

- Ensure that records are created, managed and destroyed within the business unit in a way which complies with the Commission's *Records Management Policy*
- Ensure that all business unit staff and/or service providers receiving information and/or training regarding the creation, management and disposal of records.

### Key Challenges

- Representing the Commission at a senior level in critical negotiations relating to various confiscation activities and legal matters and achieving effective solutions in challenging relationships with other law enforcement agencies and/or external stakeholders.
- Oversighting the development of internal capabilities for legal services and confiscations in an environment of scarce budget / resources and managing the expectations and/or frustrations of others.
- In consultation with the Commissioner and other members of the Executive, ensuring the Commission is accountable by satisfying and meeting its legislative responsibilities in relation to its key accountability bodies and stakeholders.
- Demonstrating a high level of integrity, tact, discretion and independence at all times.

### Key Relationships

<b>WHO</b> <i>(i.e. who is the relationship with)</i>	<b>WHY</b> <i>(i.e. purpose of the relationship)</i>
<b>Internal</b>	
<b>Commissioner</b>	<ul style="list-style-type: none"><li>• Receive direction regarding priorities</li><li>• Updates regarding various confiscations/legal matters and contentious issues arising</li><li>• Provide authoritative and independent advice, offering own opinion and raising critical issues, on a range of topics relating to confiscations and legal matters, methodologies, resourcing and stakeholder management</li><li>• Receive feedback regarding performance and respond in a thoughtful, appropriate and considered way</li></ul>
<b>Assistant Commissioner</b>	<ul style="list-style-type: none"><li>• Provide authoritative advice offering own opinion and raising challenging issues</li><li>• Counsel and provide recommendations for confiscation matters and use of powers</li><li>• Counsel and provide recommendations for legal and coercive powers</li></ul>

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<b>Executive Team</b>	<ul style="list-style-type: none"><li>• Provide authoritative advice offering own opinion and raising challenging issues</li><li>• Counsel and provide recommendations with a view to influencing organisational decisions and initiatives</li><li>• Consult and report upon the status and impacts of various investigations</li></ul>
<b>Director Legal Services</b> <b>Director Confiscations</b>	<ul style="list-style-type: none"><li>• Provide authoritative advice, offering own opinion and raising challenging issues</li><li>• Consult, counsel and provide direction in relation to confiscation decisions and initiatives</li><li>• Consult, counsel and provide direction in relation to legal issues, decisions and initiatives</li><li>• Discuss strategic directions, reforms, priorities and projects and collaborate to resolve issues arising</li><li>• Provide leadership, guidance and support</li><li>• Set performance requirements, build capabilities and oversee staff development</li></ul>
<b>Legal Services and Confiscations Division Staff</b>	<ul style="list-style-type: none"><li>• Provide leadership, guidance and support</li><li>• Consult about legal and confiscation matters, decisions and initiatives</li><li>• Consult about strategic directions, reforms, priorities and projects</li></ul>
<b>External</b>	
<b>Partner Law Enforcement Agencies</b>	<ul style="list-style-type: none"><li>• Establish and cultivate effective high-level networks to deliver on cross-jurisdictional investigative outcomes</li><li>• Offer own opinion, raise challenging issues and work collaboratively to deliver successful, innovative solutions</li><li>• Represent the Commission in critical negotiations</li><li>• Attend meetings and conferences to exchange information in pursuit of the objectives of the Commission</li></ul>

### Role Dimensions

#### Decision Making

- Accountable for providing leadership and direction to Legal and Confiscations Division management and staff.
- Establishes frameworks, plans, strategies and policies for their implementation and continuous improvement across all areas of the Legal and Confiscations Division.
- Assesses environmental factors, considers the impact of a wide range of complex and interrelating and interdependent issues, and develops strategies and contingency plans to mitigate risks to the achievement of investigative, legal and confiscation outcomes.
- Works closely with the Commissioner in providing direction and advice relating to operational matters of the Commission.
- Exercises independence and judgement.

#### Reporting Line

This role reports to the Commissioner. This role reports to the Assistant Commissioner in supporting and facilitating the exercise of statutory powers in relation to confiscations and legal matters.

## **Direct Reports**

The Executive Director Legal & Confiscations has two direct reports, the Director Confiscations and the Director Legal Services.

## **Budget / Expenditure**

This role exercises delegations in accordance with the Commission's Administrative Authorisations and Delegations as amended from time to time

## **ESSENTIAL REQUIREMENTS**

- Tertiary qualifications in law, admission as a legal practitioner (without restrictions) and sound knowledge of the justice system and the workings of government
- Extensive senior executive experience including developing and setting strategic direction leadership of multi-disciplinary legal and operational activities and outcomes,
- Demonstrated leadership and change management skills and experience to lead and deliver complex investigations, programs, projects and manage conflicting priorities.
- High-level leadership and management skills and demonstrated superior judgement skills and abilities.
- Outstanding interpersonal, presentation, and influencing skills, including the demonstrated ability to build and maintain effective relationships with internal and external stakeholders.
- Demonstrated ability to lead, manage, coach, guide and mentor others.
- High-level integrity, ethics, judgement and an ability to deal with confidential and sensitive information with tact and discretion.

All roles are underpinned by the Commission's values:

- Integrity
- Trust
- Accountability
- Service
- Unity

## **Security Vetting**

It is a condition of employment at the Commission that a member of staff obtain and maintain:

- a) a security clearance issued by the Commissioner, and
- b) a security clearance issued by the Australian Government Security Vetting Agency that the Commissioner determines is necessary for the position

This requires providing details of financial interests and other relevant personal and professional information about themselves and their associates. Appointments are subject to attaining appropriate security clearances.

## 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.


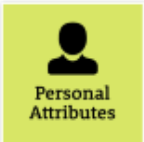
The capabilities are separated into focus capabilities and complementary capabilities.

### 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
	<p><b>Display Resilience &amp; Courage</b></p> <p>Be open and honest, prepared to express your views and willing to accept and commit to change</p>	<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>	<b>Advanced</b>
	<p><b>Act With Integrity</b></p> <p>Be ethical and professional, and uphold and promote the public sector values</p>	<ul style="list-style-type: none"> <li>• Champion and model the highest standards of ethical and professional behaviour</li> <li>• Drive a culture of integrity and professionalism within the organisation, and in dealings across government and with other jurisdictions and external organisations</li> <li>• Set, communicate and evaluate ethical practices, standards and systems and reinforce their use</li> <li>• Create and promote a culture in which staff feel able to report apparent breaches of legislation, policies and guidelines and act promptly and visibly in response to such reports</li> <li>• Act promptly and visibly to prevent and respond to unethical behaviour</li> </ul>	<b>Highly Advanced</b>

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 <p>Relationships</p>	<b>Communicate Effectively</b>	<ul style="list-style-type: none"><li>• Articulate complex concepts and put forward compelling arguments and rationales to all levels and types of audiences</li><li>• Speak in a highly articulate and influential manner</li><li>• State the facts and explain their implications for the organisation and key stakeholders</li><li>• Promote the organisation's position with authority and credibility across government, other jurisdictions and external organisations</li><li>• Anticipate and address key areas of interest for the audience and adapt style under pressure</li></ul>	<b>Highly Advanced</b>
 <p>Relationships</p>	<b>Influence and Negotiate</b>	<ul style="list-style-type: none"><li>• Engage in a range of approaches to generate solutions, seeking expert inputs and advice to inform negotiating strategy</li><li>• Use sound arguments, strong evidence and expert opinion to influence outcomes</li><li>• Determine and communicate the organisation's position and bargaining strategy</li><li>• Represent the organisation in critical and challenging negotiations, including those that are cross-jurisdictional</li><li>• Achieve effective solutions when dealing with ambiguous or conflicting positions</li><li>• Anticipate and avoid conflict across organisations and with senior internal and external stakeholders</li><li>• Identify contentious issues, direct discussion and debate, and steer parties towards an effective resolution</li></ul>	<b>Highly Advanced</b>
 <p>Results</p>	<b>Deliver Results</b>	<ul style="list-style-type: none"><li>• Use own professional knowledge and the expertise of others to drive forward organisational and government objectives</li><li>• Create a culture of achievement, fostering on-time and onbudget quality outcomes in the organisation</li><li>• Identify, recognise and celebrate success</li><li>• Establish systems to ensure all staff are able to identify direct connections between their efforts and organisational outcomes</li><li>• Identify and remove potential barriers or hurdles to achieving outcomes</li><li>• Initiate and communicate high level priorities for the organisation to achieve government outcomes</li></ul>	<b>Highly Advanced</b>

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	<p><b>Think and Solve Problems</b></p> <p>Think, analyse and consider the broader context to develop practical solutions</p>	<ul style="list-style-type: none"> <li>• Establish and promote a culture that encourages innovation and initiative and emphasises the value of continuous improvement</li> <li>• Engage in high-level critical analysis of a wide range of complex information and formulate effective responses to critical policy issues</li> <li>• Identify and evaluate organisation wide implications when considering proposed solutions to issues</li> <li>• Apply lateral thinking and develop innovative solutions that have a long-lasting, organisation-wide impact</li> <li>• Ensure effective governance systems are in place to guarantee quality analysis, research and reform</li> </ul>	<p><b>Highly Advanced</b></p>
	<p><b>Project Management</b></p> <p>Understand and apply effective project planning, coordination and control methods</p>	<ul style="list-style-type: none"> <li>• Ensure there are systems and effective governance processes in place for project management</li> <li>• Make decisions on accepting projects based on business cases</li> <li>• Use the historical, political and broader context to inform project directions and mitigate risk</li> <li>• Obtain key stakeholders' commitment to major project strategies, including crossorganisational initiatives, and ensure ongoing communication</li> <li>• Ensure that project risks are managed effectively, and appropriate strategies are in place to respond to variances</li> <li>• Drive the changes required to realise the business benefits of the project</li> <li>• Ensure that project management decisions consider interdependencies between projects</li> </ul>	<p><b>Highly Advanced</b></p>
	<p><b>Inspire Direction and Purpose</b></p> <p>Communicate goals, priorities and vision and recognise achievements</p>	<ul style="list-style-type: none"> <li>• Promote a sense of purpose and enable others to understand the links between government policy, organisational goals and public value</li> <li>• Build a shared sense of direction, clarify priorities and goals, and inspire others to achieve these</li> <li>• Work with others to translate strategic direction into operational goals and build a shared understanding of the link between these and core business outcomes</li> <li>• Create opportunities for recognising and celebrating high performance at the individual and team level</li> <li>• Instil confidence, and cultivate an attitude of openness and curiosity in tackling future challenges</li> </ul>	<p><b>Advanced</b></p>



**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.

Capability group/sets	Capability name	Description	Level
 Personal Attributes	Manage Self		Advanced
 Personal Attributes	Value Diversity		Adept
 Relationships	Commit to Customer Service		Adept
 Relationships	Work Collaboratively		Highly Advanced
 Results	Plan and Prioritise		Advanced
 Results	Demonstrate Accountability		Advanced
 Business Enablers	Finance		Adept
 Business Enablers	Technology		Advanced
 Business Enablers	Procurement and Contract Management		Adept
 People Management	Manage and Develop People		Advanced
 People Management	Optimise Business Outcomes		Advanced
 People Management	Manage Reform and Change		Advanced