

# Role Description

## Principal Legal Officer (Litigation)



Planning,  
Industry &  
Environment

Cluster/Agency	NSW Department of Planning, Industry and Environment
Division/Branch/Unit	Legal Branch /Litigation
Location	Sydney
Classification/Grade/Band	Principal Legal Officer (Legal Officer - Grade 6)
ANZSCO Code	271311
PCAT Code	1338192
Date of Approval	October 2017
Agency Website	<a href="http://www.industry.nsw.gov.au">www.industry.nsw.gov.au</a>

### Agency overview

The Planning, Industry and Environment Cluster (DPIE) was formed in 2019. The Cluster drives greater levels of integration and efficiency across key areas such as long-term planning, precincts, housing, property, infrastructure priorities, open space, the environment, our natural resources – land, water, mining – energy, and growing our industries. There is a strong emphasis on regional NSW.

### Primary purpose of the role

Provide litigation and advisory services to contribute to the work of the Litigation team which services the whole Department. The role involves both civil litigation and criminal prosecutions, with a particular focus on fisheries, biosecurity and food safety matters.

### Key accountabilities

- Conduct and oversee often complex and high profile civil/regulatory litigation and criminal prosecutions for the Department with a primary focus on fisheries, biosecurity and food matters. The role may at times include litigation in other areas where the Department has a regulatory role (e.g. environment and planning law, natural resources law).
- Appearing in Court as required and instructing counsel when they are briefed to advise and appear.
- Draft and review compliance and litigation-related advice, orders, notices, Ministerial and Departmental briefing notes.
- Operate at a senior level to develop and maintain enduring working relationships across the Litigation team, the Legal Division, Departmental colleagues, clients and stakeholders.
- Under the guidance of the Director Litigation, assist in the management of team workload and responsibilities to achieve outcomes and meet deadlines.
- Develop and provide training and support to share and transfer specialist litigation related knowledge, expertise and skills to broaden the skills and experience of litigation lawyers, Legal Division colleagues and clients including by conducting information, training and briefing sessions, and developing client training material.
- Provide legal assistance to the Department generally as requested by the General Counsel and Executive Director Litigation to enable legal resources to be focused on areas of high demand and priority and, to achieve Departmental strategic objectives and business outcomes.

- Assume a team leadership role and collaborate closely with other Principal Legal Officers in the team, supervising more junior members of the team and providing input into team processes, priorities and initiatives.
- Provide advice in relation to the management of subpoena requests.

## Key challenges

- Delivery of sophisticated litigation and advice related services in relation to complex and sensitive matters across a range of portfolios ensuring the litigation is strategic and efficiently managed in line with Departmental business objectives and mitigates legal risks and achieve appropriate outcomes.
- Provide expert legal advice to a range of high-level clients in an environment where there may be a number of competing priorities and interests held across Government, which is clear, timely, solution focused and addresses legal risk.
- Establishing and maintaining good working relationships with colleagues, key clients, and stakeholders to ensure litigation is effective and reduces litigation risk

## Key relationships

Who	Why
<b>Internal</b>	
General Counsel	<ul style="list-style-type: none"> <li>• The General Counsel may assign work, and provide guidance and feedback, to the Principal Legal Officer</li> </ul>
Executive Director Litigation	<ul style="list-style-type: none"> <li>• The Executive Director may assign work, and provide guidance and feedback, to the Principal Legal Officer</li> </ul>
Director Litigation	<ul style="list-style-type: none"> <li>• The Principal Legal Officer sits within the Litigation team, headed by the Director Litigation, who has a supervisory role in respect of the Principal Legal Officer.</li> </ul>
Team members	<ul style="list-style-type: none"> <li>• The Principal Legal Officer will work with and support other litigation</li> </ul>
<b>Who</b>	
<b>Why</b>	
and may work with other groups within the Legal Division. The Principal Legal Officer may supervise other team members at the discretion of the Director Litigation or Executive Director Litigation.	
Key clients	<ul style="list-style-type: none"> <li>• Provide litigation and advisory services and develop ongoing relationships with clients, particularly clients with licensing, approval, compliance or enforcement responsibilities.</li> </ul>
<b>External</b>	
Stakeholders	<ul style="list-style-type: none"> <li>• Liaise with a wide range of stakeholders including the Court, statutory bodies such as ICAC and the Ombudsman, external legal providers (including barristers and the NSW Crown Solicitor), NSW Police, and local councils.</li> </ul>

## **Role dimensions**

### **Decision making**

- This role requires a high level of discretion and judgment at a senior level in conducting litigation matters, and in drafting and in preparing legal advice and in formulating practical solutions to problems.
- The role requires independent setting of priorities for work to be completed, taking into account the context of pressing organisational requirements and deadlines, including court deadlines and statutory limitation periods.
- The Principal Legal Officer prepares legal advice and forms legal views regarding litigation matters for finalisation by the Director Litigation or Executive Director Litigation.

### **Reporting line**

The role reports to the Director Litigation.

### **Direct reports**

Other team members may report to the Principal Legal Officer on litigation matters at the discretion of the Director Litigation.

### **Budget/Expenditure**

N/A

### **Essential requirements**





- Be eligible to hold a current practising certificate as a solicitor in NSW.
- Demonstrate superior experience, knowledge and skills in conducting criminal litigation and civil litigation, including judicial review and merits review, at a senior level. Such experience will include appearing in less complex or interlocutory matters and instructing counsel in more complex matters.
- Demonstrate superior knowledge and experience of administrative law and statutory interpretation.
- Have extensive and detailed knowledge of Court and/or Tribunal practices, procedures and rules, the Government's Model Litigant Policy and Equitable Briefing Policy, prosecutorial obligations and the rules of evidence.
- Have excellent oral and written communication skills, analytical and problem-solving skills.
- Have proven ability to work independently and at a senior level in a litigation team and be able to manage challenging workloads and competing deadlines.
- Be willing to travel on occasion for the purposes of appearing in regional courts and meeting with regional clients.

## 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](http://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.

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

### Focus capabilities

The focus capabilities for the role are the capabilities in which occupants must demonstrate immediate competence. The behavioral 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
<b>Personal Attributes</b> Display Resilience and Courage	Adept	<ul style="list-style-type: none"> <li>Be flexible, show initiative and respond quickly when situations change</li> <li>Give frank and honest feedback/advice</li> <li>Listen when ideas are challenged, seek to understand the nature of the feedback and respond constructively</li> <li>Raise and work through challenging issues and seek alternatives</li> <li>Keep control of own emotions and stay calm under pressure</li> </ul>

Group and Capability	Level	Behavioural Indicators
		and in challenging situations
<b>Personal Attributes</b> Act with Integrity	Adept	<ul style="list-style-type: none"> <li>• Represent the organisation in an honest, ethical and professional way and encourage others to do so</li> <li>• Demonstrate professionalism to support a culture of integrity within the team/unit</li> <li>• Set an example for others to follow and identify and explain ethical issues</li> <li>• Ensure that others understand the legislation and policy framework within which they operate</li> <li>• Act to prevent and report misconduct, illegal and inappropriate behaviour</li> </ul>
<b>Relationships</b> Communicate Effectively	Advanced	<ul style="list-style-type: none"> <li>• Present with credibility, engage varied audiences and test levels of understanding</li> <li>• Translate technical and complex information concisely for diverse audiences</li> <li>• Create opportunities for others to contribute to discussion and debate</li> <li>• Actively listen and encourage others to contribute inputs</li> <li>• Adjust style and approach to optimise outcomes</li> <li>• Write fluently and persuasively in a range of styles and formats</li> </ul>
<b>Relationships</b> Commit to Customer Service	Adept	<ul style="list-style-type: none"> <li>• Take responsibility for delivering high quality customer-focused services</li> <li>• Understand customer perspectives and ensure responsiveness to their needs</li> <li>• Identify customer service needs and implement solutions</li> <li>• Find opportunities to co-operate with internal and external parties to improve outcomes for customers</li> <li>• Maintain relationships with key customers in area of expertise</li> <li>• Connect and collaborate with relevant stakeholders within the community</li> </ul>
<b>Results</b> Deliver Results	Advanced	<ul style="list-style-type: none"> <li>• Drive a culture of achievement and acknowledge input of others</li> <li>• Investigate and create opportunities to enhance the achievement of organisational objectives</li> <li>• Make sure others understand that on-time and on-budget results are required and how overall success is defined</li> <li>• Control output of business unit to ensure government outcomes are achieved within budget</li> <li>• Progress organisational priorities and ensure effective acquisition and use of resources</li> <li>• Seek and apply the expertise of key individuals to achieve organisational outcomes</li> </ul>
<b>Results</b> Think and Solve Problems	Adept	<ul style="list-style-type: none"> <li>• Research and analyse information, identify interrelationships and make recommendations based on relevant evidence</li> <li>• Anticipate, identify and address issues and potential problems and select the most effective solutions from a range of option</li> </ul>

Group and Capability	Level	Behavioural Indicators
		<ul style="list-style-type: none"> <li>• Participate in and contribute to team/unit initiatives to resolve common issues or barriers to effectiveness</li> <li>• Identify and share business process improvements to enhance effectiveness</li> </ul>
<b>Results</b> Demonstrate Accountability	Adept	<ul style="list-style-type: none"> <li>• Assess work outcomes and identify and share learnings to inform future actions</li> <li>• Ensure that actions of self and others are focused on achieving organisational outcomes</li> <li>• Exercise delegations responsibly</li> <li>• Understand and apply high standards of financial probity with public monies and other resources</li> <li>• Identify and implement safe work practices, taking a systematic risk management approach to ensure health and safety of self and others</li> <li>• Conduct and report on quality control audits</li> <li>• Identify risks to successful achievement of goals, and take appropriate steps to mitigate those risks</li> </ul>
<b>Business Enablers</b> Project Management	Intermediate	<ul style="list-style-type: none"> <li>• Perform basic research and analysis which others will use to inform project directions</li> <li>• Understand project goals, steps to be undertaken and expected outcomes</li> <li>• Prepare accurate documentation to support cost or resource estimates</li> <li>• Participate and contribute to reviews of progress, outcomes and future improvements</li> <li>• Identify and escalate any possible variance from project plans</li> </ul>