

Role Description

Lawyer – Commercial

Cluster	Transport for NSW
Agency	Transport for NSW
Division/ Branch/ Unit	Corporate Services / Legal Services / Property & Commercial
Location	Sydney (or any other location nominated)
Classification/ Grade/ Band	USS11
Type of Employment	12 month Fixed Term Contract
Role Number	51022648
ANZSCO Code	271311
PCAT Code	1248192
Date of Approval	August 2020
Agency Website	www.transport.nsw.gov.au

Agency overview

At Transport, we're passionate about making NSW a better place to live, work and visit. Our vision is to give everyone the freedom to choose how and when they get around, no matter where they live. Right now, we're delivering a \$55.6bn program – the largest Australia has ever seen – to keep people and goods moving, connect communities and shape the future of our cities, centres and regions. At Transport, we're also committed to creating a diverse, inclusive and flexible workforce, which reflects the community and the customers we serve.

Our organisation – Transport for NSW – is comprised of numerous integrated divisions that focus on achieving community outcomes for the greater good and on putting our customers at the centre and our people at the heart of everything we do.

Primary purpose of the role

The Lawyer – Commercial is responsible for the delivery of solutions focussed independent advice in relation to a wide range of commercial matters to support the achievement of organisational outcomes and address legal risk. The role provides advice on a range of legal matters across the organisation to ensure compliance with relevant frameworks and legislation.

Key accountabilities

- Provide expert, timely, clear, comprehensive and solution focused legal advice and drafting on a range of commercial transactions including goods and services procurement, IT contracts, intellectual property, professional services agreements, accreditation agreements, commercialisation licences, commercial property transactions and regulatory agreements in a manner that supports organisational outcomes and performance while addressing legal risk to support the delivery of stakeholder goals and commercial activities of Transport.
- Manage the provision of external commercial legal advice including engagement and performance within time, cost and quality requirements to deliver expert advice on matters with significant complexity within organisational and commercial parameters.

- Initiate and provide legal research and analysis on contentious commercial issues to support core objectives and manage a diverse portfolio of matters whilst exercising effective stakeholder management.
- Draft high quality, clear and concise legal documents including legal instruments, advices and documents to achieve high quality outcomes and enable effective decision making to challenging issues.
- Implement policies, processes and procedures and educate stakeholders to ensure organisational compliance with laws and mandatory policies.
- Collaborate with teams, provide expert specialist advice and guidance and contribute as a team member to coordinate and influence outcomes that incorporate expert legal advice and align to organisational and commercial objectives and parameters.
- Contribute to knowledge sharing and capability development across the Legal Branch and with internal clients to drive awareness of commercial legal issues and improve project planning and decision making.

Key challenges

- Building credibility with multi-disciplinary teams internally and building confidence and trust in legal advice and services to drive high quality outcomes that align to client and organisational needs.
- Identifying legal issues proactively and influencing clients to adopt legal recommendations and determine appropriate delivery strategies.
- Maintaining knowledge of relevant legislation and cases and imparting knowledge across the Legal Branch and with key clients to ensure the application of current legislation and approaches.

Key relationships

Who	Why
Internal	
Deputy General Counsel Property & Commercial	<ul style="list-style-type: none"> • Receive guidance and advice and discuss future directions • Provide expert and authoritative advice and contribute to decision making • Identify emerging issues/risks and their implications and propose solutions
Lawyers in the Property & Commercial Law Unit	<ul style="list-style-type: none"> • Proactively share observations, practices and lessons with other Unit team members • Collaborate as a team to achieve client outcomes
Stakeholders / Clients	<ul style="list-style-type: none"> • Provide complex legal advice, counsel and recommendations on legal matters to support decision making and the achievement of objectives
Legal Branch	<ul style="list-style-type: none"> • Work in close collaboration with other members of the Legal Branch by pro-actively sharing information and expertise • Contribute to capability development and continuous improvement initiatives
External	
Other Transport Cluster Agencies	<ul style="list-style-type: none"> • Share information and expertise in order to achieve efficiencies across the cluster legal team
External Vendors/Service Providers and Consultants	<ul style="list-style-type: none"> • Negotiate and approve contracts and service level agreements on behalf of Transport

Who	Why
	<ul style="list-style-type: none"> Monitor and oversee the provision of external legal services, including regular feedback to improve services

Role dimensions

Decision making

The Lawyer – Commercial is responsible for the provision of complex legal advice for the allocated program of work. The role makes legal recommendations and manages day to day activities within established priorities and directives.

The role defers to the Deputy General Counsel Property & Commercial on complex matters, those with political ramifications, financial delegation or matters requiring a high level of authority.

Reporting line

Deputy General Counsel Property & Commercial

Direct reports

Nil

Budget/Expenditure

Essential requirements

- Minimum of 3 years experience as a solicitor, holding an unrestricted practising certificate or eligibility to hold an unrestricted practising certificate in NSW.
- Substantial knowledge and experience in at least 1 of the following areas of law:
 - General Commercial
 - Property
 - IT


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




This role also utilises an occupation specific capability set.

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
	Display Resilience and Courage	Adept
	Act with Integrity	Adept
	Manage Self	Intermediate
	Value Diversity	Intermediate

NSW Public Sector Capability Framework

Capability Group	Capability Name	Level
 Relationships	Communicate Effectively	Advanced
	Commit to Customer Service	Adept
	Work Collaboratively	Adept
	Influence and Negotiate	Adept
 Results	Deliver Results	Adept
	Plan and Prioritise	Adept
	Think and Solve Problems	Advanced
	Demonstrate Accountability	Adept
 Business Enablers	Finance	Intermediate
	Technology	Intermediate
	Procurement and Contract Management	Adept
	Project Management	Adept

As Legal Professionals Capability Set

Capability Group	Capability Name	Level
 Legal	Statutory Interpretation	Level 3
	Legal Advice	Level 3
	Legal Drafting	Level 3
	Legal Research	Level 3

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	Adept	<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 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

NSW Public Sector Capability Framework

Group and Capability	Level	Behavioural Indicators
Relationships Communicate Effectively	Advanced	<ul style="list-style-type: none"> Act on reported breaches of rules, policies and guidelines 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 Work Collaboratively	Adept	<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 and communication and collaboration across the organisation and cross government Facilitate opportunities to engage and collaborate with external stakeholders to develop joint solutions
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 Plan and Prioritise	Adept	<ul style="list-style-type: none"> Understand the links between the business unit, organisation and the whole-of-government agenda Ensure business plan goals are clear and appropriate including contingency provisions Monitor progress of initiatives and make necessary adjustments Anticipate and assess the impact of changes, such as government policy/economic conditions, to business plans and initiatives, and respond appropriately Consider the implications of a wide range of complex issues, and shift business priorities when necessary Undertake planning to transition the organisation through change initiatives and evaluate progress and outcome to inform future planning
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

NSW Public Sector Capability Framework

Group and Capability	Level	Behavioural Indicators
		<ul style="list-style-type: none"> 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
Business Enablers Procurement and Contract Management	Adept	<ul style="list-style-type: none"> Apply legal, policy and organisational guidelines and procedures relating to procurement and contract management 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 Be aware of procurement and contract management risks, and actions to manage or mitigate risk in monitoring contract performance 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

Legal Professionals Capability Set

Group and Capability	Level	Behavioural Indicators
Legal Legal Advice	Level 3	<ul style="list-style-type: none"> Independently identify the client, scope, purpose and form of legal advice required in complex, urgent or sensitive matters. Clarify and refine instructions where appropriate and assist others to do so. Deal independently with vulnerable clients, including where capacity may be in issue or where ethical or cross-cultural issues arise. Independently analyse and apply relevant law to complex facts, incorporating policy, probity and operational considerations, and creatively formulating options. Independently identify and advise upon emerging legal risks and their strategic, commercial and policy implications. Provide guidance to others on selection of external legal services providers and approves briefings of external legal services providers. Conduct quality assurance of external legal advice provided and provide feedback to external legal providers. Provide professional supervision to other legal roles in preparing legal advice to assure the quality of the advice provided..
Legal Legal Drafting	Level 3	<ul style="list-style-type: none"> Draft and settle court and tribunal documents in contentious or significant matters. Draft and settle significant and complex court and tribunal documents which achieve their strategic purpose, and establish effective processes for meeting procedural, evidentiary and ethical requirements.

Legal Professionals Capability Set

Group and Capability	Level	Behavioural Indicators
		<ul style="list-style-type: none">• Apply high level drafting skills to draft and settle complex transactional documents which meet the requirements for significant or contentious transactions and projects and appropriately manage significant legal risk.• Use expert legal knowledge to draft, review and settle complex and significant legal documents which comply with policy, achieve the client's purpose and minimise legal and commercial risk.• Bring an expert understanding of the legal principles applying to transactional documents to drafting and settling complex documentation and resolving issues of interpretation.• Provide supervision to other legal professionals in preparing legal documents, to provide quality assurance and ensure that ethical and legal requirements are met.