

Role Description

General Counsel

Cluster	Department of Premier and Cabinet
Department/Agency	Department of Premier and Cabinet
Division/Branch/Unit	Cabinet and Legal Group
Location	Sydney CBD
Classification/Grade/Band	Senior Executive Band 3
Kind of Employment	Ongoing
ANZSCO Code	111211
Role Number	48317
PCAT Code	2119192
Date of Approval	November 2019
Agency Website	www.dpc.nsw.gov.au

Agency Overview

The NSW Department of Premier and Cabinet (DPC) is the lead central agency in the NSW Government.

We support the Premier and the Special Minister of State, the Cabinet, Ministers and agencies by driving service delivery, infrastructure and other priorities across government. We lead policy development, provide innovative ideas and support Government plans and projects.

Working with us will give you a broad overview in areas such as public policy formulation, public administration and state administrative matters and an opportunity to be involved in a range of state-wide policies, issues and projects.

For more information go to http://www.dpc.nsw.gov.au/about/about_the_department.

Primary purpose of the role

Act as the primary legal advisor to the Premier by leading and directing the provision of expert legal services and cabinet secretariat functions, to ensure the delivery of high quality services and support that meets the Premier's Cabinet's and the Department's specific requirements.

Accountable for the quality of legal services provided ensuring the provision of expert, authoritative, strategic advice and recommendations on diverse and complex legal priorities and legislative matters which potentially impact outcomes for State to the Secretary, Premier and Cabinet.

Key accountabilities

- Lead and direct the Government's legislative agenda including the management of legislative processes, the development of legislative schemes for the Premier and, in this capacity, act as primary liaison with the parliamentary counsel and secretary/convenor of the Parliamentary Legislative Committee to ensure the achievement of the Government's legislative agenda.
- Lead and direct the Cabinet Secretariat functions to provide effective and efficient secretariat services that streamline the processes of Government and ensure the security and confidentiality of the Cabinet process and the upholding of Cabinet conventions.

- Provide timely expert, authoritative and strategic legal advice and counsel to the Premier and Cabinet on critical legal and legislative issues and their impact on Government policy and service delivery including representing Department of Premier and Cabinet on Corporate boards to pursue the legal prioritise of the Premier and NSW Government.
- Critically review, analyse and appraise complex and diverse legal advice relating to major policy proposals and provide expert legal opinions to the Secretary, the Premier and Cabinet on their impact on Government policy development and implementation strategies.
- Direct and manage correspondence services for the Premier and Department of Premier & Cabinet to ensure Cabinet decisions are promulgated to relevant agencies so that action is taken to implement agreed policy and that replies are prepared for all correspondence received by the Premier in accordance with agreed policy direction.
- Manage the provision of expert legal advice in relation to legislative and Cabinet matters and whole of agency legal initiatives and ensure advice is well researched, legally sound and provided within tight timeframes.
- Direct and oversee the execution of the Department's Government Information (Public Access) responsibilities, including the processing and reporting of GIPA requests and contributing to the development of whole of government GIPA policy.

Key challenges

- Achieving the NSW Government's legislative agenda given the political sensitivities, competing agendas and complexities of the law at this level.
- Effectively managing risks and ethical considerations in the delivery of legal advice and the legislative agenda.
- Anticipating and responding to issues likely to affect the delivery or priority of the Government's objectives.

Key relationships

Who	Why
Ministerial	
Premier and Special Minister of State	<ul style="list-style-type: none"> • Consult directly with the Premier, providing accurate legal advice and counsel. • Maintain effective relationships with Ministerial staff
Internal	
Secretary	<ul style="list-style-type: none"> • Provide expert, authoritative and strategic legal advice and counsel on critical legal and legislative issues and their impact on Government policy and service delivery. • Alert the Secretary to issues which may escalate, or matters which may have unforeseen impact on achievement of a particular policy outcome.
Executive	<ul style="list-style-type: none"> • Contribute to executive decision making processes and implementation of appropriate governance frameworks
Group	<ul style="list-style-type: none"> • Provide professional leadership, direction, guidance and support to Cabinet & Legal group • Set overall performance expectations and oversee the implementation of effective performance management frameworks

Who	Why
and processes	
External	
Broader government stakeholders	<ul style="list-style-type: none"> • Maintain effective networks with key stakeholders across other tiers of government in NSW, and across other jurisdictions, to exchange intelligence regarding insights and trends, initiatives and innovations, and other matters of mutual interest to enhance the effectiveness and quality of policy development processes. • Foster strong proactive working relationships with other federal, state and territory government agencies to support the alignment of key legislative directions, advocate for NSW legislative positions.

Role dimensions

Decision making

The General Counsel is expected to operate with a high level of autonomy and is fully accountable for the accuracy, validity and integrity of the content of advice provided and work performed.

Specific decision making required of the role holder relates to:

- ensuring the delivery of the Government's legislative agenda;
- providing expert and authoritative legal advice to the Premier;
- maintaining strategic relationships with key stakeholders and conducting high level negotiations to pursue the legal priorities of the Premier and Government;
- keeping the Premier and Cabinet fully informed on issues relevant to legal priorities;
- managing the political sensitivities, public interest and media attention to the Government's legal priorities.

Reporting line

The General Counsel reports to the Secretary.

Direct reports

Number of staff reporting directly: 2

Budget/Expenditure

Financial Delegation: Expenditure limit \$500,000

Administrative Delegation: Category A

Total Budget: tbc

Essential requirements

- Substantial experience in providing expert and authoritative legal advice as well as relevant legal qualifications including postgraduate qualifications.
- High level understanding of key legal issues in NSW including; parliamentary, NSW policy, legislative reform and an understanding of the machinery of Government, including Cabinet and legislative processes.






- High level leadership skills and proven capacity to collaborate across complex organisations.

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.

NSW Public Sector Capability Framework		
Capability Group	Capability Name	Level
 Personal Attributes	Display Resilience and Courage	Highly Advanced
	Act with Integrity	Advanced
	Manage Self	Highly Advanced
	Value Diversity	Advanced
 Relationships	Communicate Effectively	Highly Advanced
	Commit to Customer Service	Advanced
	Work Collaboratively	Advanced
	Influence and Negotiate	Highly Advanced
 Results	Deliver Results	Advanced
	Plan and Prioritise	Advanced
	Think and Solve Problems	Highly Advanced
	Demonstrate Accountability	Advanced
 Business Enablers	Finance	Advanced
	Technology	Adept
	Procurement and Contract Management	Advanced
	Project Management	Highly Advanced
 People Management	Manage and Develop People	Advanced
	Inspire Direction and Purpose	Highly Advanced
	Optimise Business Outcomes	Advanced
	Manage Reform and Change	Advanced

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 Display Resilience and Courage	Highly Advanced	<ul style="list-style-type: none"> • Create a climate which encourages and supports openness, persistence and genuine debate around critical issues • Provide sound exposition and argument for agreed positions while remaining open to valid suggestions for change • Raise critical issues and make tough decisions • Respond to significant, complex and novel challenges with a high level of resilience and persistence • Consistently use a range of strategies to keep control of own emotions and act as a stabilising influence even in the most challenging situations
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 • 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	Highly Advanced	<ul style="list-style-type: none"> • Articulate complex concepts and put forward compelling arguments and rationales to all levels and types of audiences • Speak in a highly articulate and influential manner • State the facts and explain their implications for the organisation and key stakeholders • Promote the organisation's position with authority and credibility cross-government, cross jurisdictionally and outside of government • Actively listen, and identify ways to ensure all have an opportunity to contribute • Anticipate and address key areas of interest for the audience and adapt style under pressure
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 and 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	Highly Advanced	<ul style="list-style-type: none"> • Engage in a range of approaches to generate solutions, seeking expert inputs and advice to inform negotiating strategy • Use sound arguments, strong evidence, and expert opinion to influence outcomes

NSW Public Sector Capability Framework

Group and Capability	Level	Behavioural Indicators
		<ul style="list-style-type: none"> • Determine and communicate the organisation's position and bargaining strategy • Represent the organisation in critical negotiations, including those that are cross-jurisdictional, achieving effective solutions in challenging relationships, ambiguous and conflicting positions • Pre-empt and avoid conflict across organisations and with senior internal and external stakeholders • Identify contentious issues, direct discussion and debate, and steer parties towards an effective resolution
Results Think and Solve Problems	Highly Advanced	<ul style="list-style-type: none"> • Establish and promote a culture which encourages initiative and emphasises the value of continuous improvement • Engage in high-level critical analysis of a wide range of complex information and formulate effective responses to critical policy issues • Identify and evaluate organisation-wide implications when considering proposed solutions to issues • Apply lateral thinking and develop innovative solutions that have long standing, organisation-wide impact • Ensure effective governance systems are in place to guarantee quality analysis, research and reform
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 Project Management	Highly Advanced	<ul style="list-style-type: none"> • Implement effective governance processes for acceptance of projects based on sound business cases • Use historical, political and broader context to inform project directions and mitigate risk • Obtain the commitment of key stakeholders to major project strategies, including cross-organisational initiatives, and ensure ongoing communication • Ensure that project risks are managed effectively and appropriate strategies are in place to respond to variance • Implement systems for monitoring and evaluating effective management, expenditure of project budgets and resources, to achieve organisational goals

NSW Public Sector Capability Framework

Group and Capability	Level	Behavioural Indicators
People Management Inspire Direction and Purpose	Highly Advanced	<ul style="list-style-type: none">• Champion the organisational vision and strategy, and communicate the way forward• Create a culture of confidence and trust in future direction• Generate enthusiasm and commitment to goals and cascade understanding throughout the organisation• Communicate the parameters and expectations surrounding organisational strategies• Celebrate organisational success and high performance and engage in activities to maintain morale
