

Role Description

Counsel Assisting

Role Description Fields	Details
Portfolio	Stronger Communities
Department/Agency	NSW Crime Commission
Division/Branch/Unit	Legal & Confiscations Division – Legal Services
Role number	CA1
Classification/Grade/Band	Legal Officer Grade VI
Senior executive work level standards	Not Applicable
ANZSCO Code	271311
PCAT Code	1318192
Date of Approval	22 May 2024
Agency Website	https://www.crimecommission.nsw.gov.au/

Role of the NSW Crime Commission

The NSW Crime Commission's purpose is to disrupt, reduce and prevent the incidence of organised and other serious crime in New South Wales. The Commission is structured into functional Divisions consisting of operational and support teams.

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

Counsel Assisting is responsible for conducting the examination of witnesses during private Commission hearings and assumes responsibilities as a solicitor advocate for the Commission in civil and criminal litigation. As a senior lawyer within the Legal Services team, Counsel Assisting also provides advice in, and has conduct of, complex and/or important legal matters for the Commission. The role supports the team by contributing to the development of precedents and other resources, and by coaching and mentoring lawyers to develop their legal skills to promote good examination and advocacy practice.

Key Accountabilities

- Conduct Commission hearings in private in accordance with the Crime Commission Act 2012 and work collaboratively with key stakeholders such as the NSW Police, Intelligence Analysts, Presiding Officer and/or Commissioner as appropriate.
- Conduct Supreme Court examinations pursuant to the Criminal Assets Recovery Act 1990.
- Conduct, manage and coordinate complex litigation on behalf of the Commission, including the preparation of court documents and advising as to evidence, risks and relevant legal principles as required.
- Provide well-considered, reasoned and independent legal advice, based on a strong understanding of statutory interpretation principles, on complex and/or important legal issues for the Commission.
- Maintain a contemporary understanding of legislative provisions concerning the Commission.
- Contribute to the development of legal precedents and resources within the Legal Services team, coach and mentor lawyers to develop their legal skills and lead and promote good hearing practice.
- Contribute to Divisional decision-making and provide high-level input to business planning, operational priorities and other key decisions.
- Demonstrate and model strategies to promote ethical practice and an equitable, diverse and inclusive work environment and behave in accordance with Commission values.

Key Recordkeeping Accountabilities

- Comply with the Commission's *Records Management Policy* and relevant statutory requirements.
- Create full and accurate records of business activities, including records of all decisions and actions made in the course of official business.
- Ensure that all records are saved into the Commission's official recordkeeping system.

Key Challenges

- Formulating lateral and creative strategies to advance examinations under pressure.
- Building rapport with hearing witnesses some of whom may be challenging or uncooperative.
- Building and maintaining effective working relationships with internal and external stakeholders including the NSW Police Force and solicitors and barristers from the criminal bar.
- Maintaining an excellent working knowledge of legislation, policy and procedures that may have legal implications for the Commission.
- Demonstrating a high level of discretion at all times and applying judgment as to when information can appropriately be shared in a team setting while maintaining confidentiality and secrecy of certain matters.
- Dealing with challenging, sensitive, and disturbing people, data and information as well as displaying resilience, managing own frustrations and staying calm in challenging situations.

Key Relationships

WHO (i.e. who is the relationship with)	WHY (i.e. purpose of the relationship)
Internal	
Commissioner, Assistant Commissioner Legal, Executive Director or Director	<ul style="list-style-type: none">• Discuss priorities and issues arising and receive guidance on the conduct of matters

	<ul style="list-style-type: none"> • Discuss investigations, assignments, and proposed hearing strategies • Receive guidance on hearing / operational matters and challenge thinking regarding matters arising • Receive feedback regarding performance and respond in a thoughtful, appropriate and considered way • Provide well-researched, timely and independent legal advice and information, offering own opinion and raising challenging issues
Legal Services team	<ul style="list-style-type: none"> • Mentor, coach and contribute to the development of lawyers within the Legal Services team • Contribute to the development of team precedents and resources
Intelligence Managers / Analysts	<ul style="list-style-type: none"> • Collect information reports, discuss investigations, and clarify information prior to the hearing • Contribute to hearing debriefs and offer suggestions regarding possible future lines of investigation (as appropriate) • Consult and clarify instructions in order to provide relevant, practical advice
Forensic Accountants	<ul style="list-style-type: none"> • Review examination briefs, discuss forensic analysis and clarify information prior to examination of witnesses • Offer suggestions regarding possible future lines of investigation • Consult and clarify instructions in order to provide relevant, practical advice
External	
Hearing witnesses	<ul style="list-style-type: none"> • Build rapport with the aim of furthering examination strategies • Question, requestion and interrogate as required with the aim of achieving hearing outcomes • Be flexible, show initiative and respond quickly when situations change
Judicial and Legal Professionals	<ul style="list-style-type: none"> • Appear for the Commission in legal proceedings and engage with judicial officers, Court staff and legal professionals in an appropriate way
Law Enforcement Partners and related agencies	<ul style="list-style-type: none"> • Build and maintain relationships and productive networks • Appropriately discuss investigations with the aim of refining examination strategies • Articulate the functions of the Commission via discussion and documentation

Role Dimensions

Decision Making

- Has a high level of autonomy and leads the examination of participants for the duration of the hearing in accordance with relevant legislation.
- Discusses broad hearing strategies / plans with the role supervisor and/or Commissioner.
- Provides coaching, mentoring and guidance to others in respect of examination techniques and hearing strategies.

- Submits written reports and submissions in final form, though documentation may be reviewed and adjusted by the Director, Executive Director, Assistant Commissioner or Commissioner as per the Commission's delegations.
- May receive guidance on the conduct of complex hearings from the Director, Executive Director, Assistant Commissioner or Commissioner.

Reporting Line

This role reports to Director, Legal Services.

Direct Reports

This role does not have any direct reports.

Budget / Expenditure

Nil.

ESSENTIAL REQUIREMENTS

- Australian legal practitioner (i.e. admitted as a lawyer of the Supreme Court of an Australian State or Territory, plus an unrestricted practising certificate issued in an Australian jurisdiction)
- Demonstrated ability to operate under pressure, including the ability to debate, question and/or interrogate witnesses.
- High-level interpersonal, communication and influencing skills, including the ability to build rapport with people from varying backgrounds.
- Excellent research, analytical, conceptual and creative / intuitive problem-solving skills, including proven ability to apply legal principles.
- High level organisational skills including a demonstrated ability to lead and deliver complex projects and manage conflicting priorities.
- Demonstrated ability to make recommendations in order to resolve legal issues, including the capacity to anticipate and provide independent advice regarding possible legal issues arising from recommendations.
- Demonstrated knowledge and experience in the conduct of legal proceedings.
- Demonstrated ability to coach, guide and mentor others and contribute effectively in a multi-disciplinary team environment.
- High-level judgement and an ability to deal with confidential and sensitive information with tact and discretion.
- Knowledge and understanding of the purpose of Commission hearings, including related legislative context.

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, their families 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.

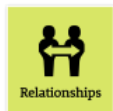
The capabilities are separated into focus capabilities and complementary capabilities.

Focus capabilities

Focus capabilities are the capabilities considered the most important for effective performance of the role. These capabilities will be assessed at recruitment.

Capability group/sets	Capability name	Behavioural indicators	Level
	Display Resilience and Courage Be open and honest, prepared to express your views, and willing to accept and commit to change	<ul style="list-style-type: none">• Remain composed and calm and act constructively in highly pressured and unpredictable environments• Give frank, honest advice in response to strong contrary views• Accept criticism of own ideas and respond in a thoughtful and considered way• Welcome new challenges and persist in raising and working through novel and difficult issues• Develop effective strategies and show decisiveness in dealing with emotionally charged	Advanced

		situations and difficult or controversial issues	
	Act With Integrity Be ethical and professional, and uphold and promote the public sector values	<ul style="list-style-type: none"> • Model the highest standards of ethical and professional behaviour and reinforce their use • Represent the organisation in an honest, ethical and professional way and set an example for others to follow • 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 promptly on reported breaches of legislation, policies and guidelines 	Advanced
	Communicate Effectively Communicate clearly, actively listen to others, and respond with understanding and respect	<ul style="list-style-type: none"> • Present with credibility, engage diverse audiences and test levels of understanding • Translate technical and complex information clearly and concisely for diverse audiences • Create opportunities for others to contribute to discussion and debate • Contribute to and promote information sharing across the organisation • Manage complex communications that involve understanding and responding to multiple and divergent viewpoints • Explore creative ways to engage diverse audiences and communicate information • Adjust style and approach to optimise outcomes • Write fluently and persuasively in plain English and in a range of styles and formats 	Advanced



Influence and Negotiate

Gain consensus and commitment from others, and resolve issues and conflicts

- 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 and differences
- Identify key stakeholders and gain their support in advance
- Establish a clear negotiation position based on research, a firm grasp of key issues, likely arguments, points of difference and areas for compromise
- Anticipate and minimise conflict within the organisation and with external stakeholders

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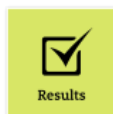


Deliver Results

Achieve results through the efficient use of resources and a commitment to quality outcomes

- Use own and others' expertise to achieve outcomes, and take responsibility for delivering intended outcomes
- Make sure staff understand expected goals and acknowledge staff success in achieving these
- Identify resource needs and ensure goals are achieved within set budgets and deadlines
- Use business data to evaluate outcomes and inform continuous improvement
- Identify priorities that need to change and ensure the allocation of resources meets new business needs
- Ensure that the financial implications of changed priorities are explicit and budgeted for

Adept



Think and Solve Problems

Think, analyse and consider the broader context to develop practical solutions

- Undertake objective, critical analysis to draw accurate conclusions that recognise and manage contextual issues
- Work through issues, weigh up alternatives and identify the most

Advanced

effective solutions in collaboration with others

- Take account of the wider business context when considering options to resolve issues
- Explore a range of possibilities and creative alternatives to contribute to system, process and business improvements
- Implement systems and processes that are underpinned by high-quality research and analysis
- Look for opportunities to design innovative solutions to meet user needs and service demands
- Evaluate the performance and effectiveness of services, policies and programs against clear criteria



Project Management

Understand and apply effective project planning, coordination and control methods

- Understand all components of the project management process, including the need to consider change management to realise business benefits
- Prepare clear project proposals and accurate estimates of required costs and resources
- Establish performance outcomes and measures for key project goals, and define monitoring, reporting and communication requirements
- Identify and evaluate risks associated with the project and develop mitigation strategies
- Identify and consult stakeholders to inform the project strategy
- Communicate the project's objectives and its expected benefits
- Monitor the completion of project milestones against goals and take necessary action
- Evaluate progress and identify improvements to inform future projects

Adept



Grade Data

Ascertain the sufficiency and accuracy of information and data collected, including the reliability of sources

- Distinguish between intelligence versus evidence
 - Determine relevance of information or data across agencies
 - Provide day-to-day training or advice to others regarding tools to determine information or data relevance, reliability and/or sufficiency
 - Cross-reference information and data from different sources to increase reliability and/or sufficiency
 - Conduct cost / benefit analysis regarding the pursuit of information or data that influence resource allocation
 - Determine whether there is sufficient information to pursue of line of inquiry within an investigation or intelligence program (as per delegations)
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Conduct Analysis











Analyse available information and data and produce intelligence and/or financial investigations reports to support operations and litigation


- Connect information or data from diverse sources to further an investigation or intelligence project
 - Work with increasingly complex and/or larger data sets and determine which path to take
 - Provide day-to-day training or advice to others regarding the tools available to interrogate/manipulate data
 - Demonstrate creativity in data interrogation, manipulation and analysis; share techniques with others
 - Display well-developed intuition and willingness to learn and share information
 - Use data analysis to test theories and interpret results; understand when to cease analysis
 - Understand information and data analysis best practice and follow emerging trends
- Adept
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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
	Manage Self	Show drive and motivation, an ability to self-reflect and a commitment to learning	Adept
	Value Diversity and Inclusion	Demonstrate inclusive behaviour and show respect for diverse backgrounds, experiences and perspectives	Adept
	Commit to Customer Service	Provide customer-focused services in line with public sector and organisational objectives	Intermediate
	Work Collaboratively	Collaborate with others and value their contribution	Adept
	Plan and Prioritise	Plan to achieve priority outcomes and respond flexibly to changing circumstances	Adept
	Demonstrate Accountability	Be proactive and responsible for own actions, and adhere to legislation, policy and guidelines	Adept
	Finance	Understand and apply financial processes to achieve value for money and minimise financial risk	Intermediate
	Technology	Understand and use available technologies to maximise efficiencies and effectiveness	Adept
	Procurement and Contract Management	Understand and apply procurement processes to ensure effective purchasing and contract performance	Intermediate
	Collect Data	Gather information and data in line with intelligence and/or financial investigation requirements	Adept

	<p>Demonstrate Conclusions</p>	<p>Prepare reports and evidence that clearly and logically articulate intelligence and/or financial investigation findings</p>	<p>Intermediate</p>
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