

Role Description

Senior Legal Officer

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| Cluster | Department of Premier and Cabinet |
| Department/Agency | Department of Premier and Cabinet |
| Division/Branch/Unit | Office of General Counsel/ Legal Branch |
| Role Number | TBC |
| Classification/Grade/Band | Legal Officer Grade V |
| ANZSCO Code | 511112 |
| PCAT Code | 1119192 |
| Date of Approval | September 2021 |
| 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 coordinating policies and services 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

The Senior Legal Officer provides timely and professional advice and other support to senior officers, the Premier and the Special Minister of State on a broad range of legal, legislative and policy issues, on a whole of government basis.

The role also undertakes diverse, complex legal and policy analysis, including the formulation and evaluation of legislative proposals.

Key accountabilities

- Provide timely and professional legal advice and legal policy advice to senior officers of the Department of Premier and Cabinet, the Premier and the Special Minister of State, to ensure the Premier, Special Minister of State and Departmental officers are in a position to make sound and proper decisions.
- Develop a range of legislative proposals, either independently or working with others, including legislative proposals arising from the Premier's and Special Minister of State's administration and across Government, and instructing Parliamentary Counsel on, and settling of, draft legislation.
- Attend the Parliament to assist and advise the Premier and other Ministers in relation to the passage of legislation and the conduct of other matters arising before either House.

- Represent, or assist in representing, the Premier, Special Minister of State and the Department at meetings with representatives of other agencies, other jurisdictions or representatives of community or industry groups.
- Draft correspondence, including some complex correspondence, for the General Counsel, the Secretary, the Premier and the Special Minister of State, and prepare draft responses to Parliamentary Questions on Notice.
- Provide advice on matters relating to, and assist in preparing draft submissions for, reviews, parliamentary inquiries and commissions of inquiry (such as Royal Commissions, Commissions of Inquiry and ICAC).
- Manage and advise on the processing of *Government Information (Public Access) Act* (freedom of information) applications, including the preparation of draft determinations, and on returns to the Legislative Council of papers in response to resolutions under Standing Order 52.
- Comply with statutory requirements relating to work health and safety and support strategies to promote ethical practice and an equitable, diverse and inclusive workforce environment.

Key challenges

- Ensuring the accurate and timely provision of all briefing material and legal and other advice to the Premier, Special Minister of State and DPC Executives to facilitate the effective consideration of major issues in accordance with agreed government priorities.
- Maintaining up to date knowledge of a broad range of issues with legal or policy implications, and identifying significant emerging issues and any legislative or other policy gaps and anomalies likely to impact on Government decision-making to ensure the full implications of alternative options are considered.
- Exercising sound judgement and effectively and ethically managing both the influence of political issues in formulating strategic legal and policy solutions, and the resolution of disputes, including differences of opinion between agencies of a legal/legislative nature prior to the submission of issues to Cabinet to ensure that Cabinet processes are properly focussed on policy matters.

Key relationships

| Who | Why |
|------------------------------------|---|
| Internal | |
| General Counsel/Executive Director | Support the Branch in providing timely, expert and professional legal advice and legal policy advice to ensure the Premier, Special Minister of State and Departmental officers are in a position to make sound and proper decisions. |
| Work team | Maintain effective working relationships to ensure collaboration and communication to facilitate a consolidated approach. |
| External | |
| External stakeholders | Develop and maintain effective professional relationships to support legal and policy development and the resolution of disputes. |

Role dimensions

Decision making

A Senior Legal Officer in DPC is expected to exercise strong professional judgement on diverse legal, legislative and related policy issues, and is fully accountable for the accuracy, integrity and quality of the content of advice provided in this context. In particular, the role:

- Determines when the involvement and/or approval of the General Counsel or Executive Director is required in respect of any particular matter.
- Determines, in consultation with the Director, the nature and content of legal advice given to Departmental officers.
- Determines, in consultation with the General Counsel and/or Executive Director, the nature and content of legal advice provided to the Premier, Special Minister of State, the Secretary, and Deputy Secretaries of the Department.
- The position must also consult with the Executive Director on sensitive policy and legal issues or conflicts arising in the course of representational duties.

Reporting line

Reports to the Director.

Key knowledge and experience

- Experience in one or more in the following areas of law: environmental law, trade practices law, commercial law and/or public law (in particular, constitutional or administrative law).

Essential requirements

- Legal qualifications, and admission or eligibility for admission as a legal practitioner to the Supreme Court of NSW.

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 |
|----------------------------|--|---|----------|
| Personal Attributes | Act with Integrity | <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 |
| | Be ethical and professional, and uphold and promote the public sector values | | |
| Relationships | Communicate Effectively | <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 |
| | Communicate clearly, actively listen to others, and respond with understanding and respect | | |
| | Influence and Negotiate | <ul style="list-style-type: none"> • Negotiate from an informed and credible position • Lead and facilitate productive discussions with staff and stakeholders • Encourage others to talk, share and debate ideas to achieve a consensus • Recognise diverse perspectives and the need for compromise in negotiating mutually agreed outcomes • Influence others with a fair and considered approach and sound arguments • Show sensitivity and understanding in | Adept |
| | Gain consensus and commitment from others, and resolve issues and conflicts | | |

FOCUS CAPABILITIES

| Capability group/sets | Capability name | Behavioural Indicators | Level |
|--------------------------|--|--|-------|
| Results | Think and Solve Problems | <ul style="list-style-type: none"> resolving conflicts and differences Manage challenging relationships with internal and external stakeholders Anticipate and minimise conflict | Adept |
| | Think, and analyse and consider the broader context to develop practical solutions | <ul style="list-style-type: none"> Research and apply critical thinking techniques in analysing information, identify interrelationships and make recommendations based on relevant evidence. Anticipate, identify and address issues and potential problems that may have an impact on organisational objectives and user experience Apply creative-thinking techniques to generate new ideas and options to address issues and improve the user experience. Seek contributions and ideas from people with diverse backgrounds and experience. Participate in and contribute to team or unit initiatives to resolve common issues or barriers to effectiveness. Identify and share business process improvements to enhance effectiveness. | |
| Business Enablers | Project Management Understand and apply effective planning, coordination and control methods | <ul style="list-style-type: none"> 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 |

Occupation specific capability set

| | | | |
|-------|---|--|---------|
| Legal | Statutory Interpretation | <ul style="list-style-type: none"> • Apply understanding of the legislative process and common law to identify and solve complex issues of statutory interpretation. • Make use of extrinsic materials to resolve ambiguity and complex statutory interpretation issues, consistent with legislative and common law requirements. • Understand and apply current legislation relating to interpretation of statutes to solve complex interpretation issues. • Draw on detailed knowledge of the structure and operation of Acts and subordinate legislation in undertaking statutory interpretation. | Level 3 |
| | Interpret legislation, subordinate legislation and instruments in accordance with legislation and accepted legal principles | | |
| | Legal Advice | <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 briefing 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. | Level 3 |
| | Provide quality independent legal advice and explanation of legal issues | | |

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.

NSW Public Sector Capability Framework

| Capability group/sets | Capability Name | Description | Level |
|---|--------------------------------------|--|--------------|
|  Personal Attributes | Display Resilience and Courage | Be open and honest, prepared to express your views, and willing to accept and commit to change | Adept |
| | 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 |
|  Relationships | Commit to Customer Service | Provide customer-focused services in line with public sector and organisational objectives | Adept |
| | Work Collaboratively | Collaborate with others and value their contribution | Intermediate |
|  Results | Deliver Results | Achieve results through the efficient use of resources and a commitment to quality outcomes | 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 |
|  Business Enablers | 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 | Intermediate |
| | Procurement and Contract Management | Understand and apply procurement processes to ensure effective purchasing and contract performance | Intermediate |
| Occupational specific capability set | | | |
| Legal | Legislative Development and Drafting | Provide legal services relating to legislative proposals and legislative drafting | Level 3 |