

# Role Description

## Deputy General Counsel



Cluster	Transport
Agency	Sydney Metro
Division/Branch/Unit	Office of the Chief Executive / Legal
Location	680 George Street, Sydney and other site locations
Classification/Grade/Band	Band 2A
Senior Executive Work Level Standards	Work Contribution Stream: Professional/Technical/Specialist
Role Number	51019006
ANZSCO Code	271299
PCAT Code	1221581
Date of Approval	March 2019
Agency Website	<a href="https://www.sydneymetro.info/">https://www.sydneymetro.info/</a>

### Agency overview

Sydney Metro is leading Australia's biggest public transport infrastructure program, developing and delivering a new world-class metro railway system for Sydney.

As a new NSW Government statutory authority, Sydney Metro has been tasked with developing and delivering metro railways, and managing their operations. Sydney Metro also leads the development of vibrant station precincts to meet customer and community needs, transforming the way Sydney travels and helping shape the future of Australia's largest city.

### Primary purpose of the role

The primary purpose of this role is to provide expert strategic legal advice and services on a range of construction and projects legal work to support the business and operations of Sydney Metro.

The role oversees legal teams and contributes to the overall development and implementation of Legal Services strategy, culture and management practices that support the achievement of organisational outcomes and proactively address and manage risk.

### Key accountabilities

- Model good leadership to inspire direction and delivery, develop people, and drive change
- Live the NSW Public Sector and organisational values to achieve outstanding outcomes for the organisation and customers
- Lead, oversee and provide direction to legal teams to deliver effective, comprehensive and solution focused legal services and advice for activities that support the achievement of organisational outcomes and proactively address and manage legal risk.

- Oversee the strategic direction for a legal team including managing the development of strategic plans, identifying legal risks and influencing business planning activities to support the effective and proactive management of a range of legal matters across the organisation ensuring alignment to corporate plans and TfNSW Legal Services Charter
- Provide expert strategic advice and counsel to the Executive and key internal clients on complex legal matters to develop strategies for the delivery of agency programs and goals and proactively manage current and future risks across programs
- Lead and oversee the engagement and contract management of outsourced legal service providers, drive performance and value for money outcomes and ensure compliance with relevant frameworks and public sector obligations to deliver expert legal advice and services that support positive commercial outcomes
- Partner and engage proactively with key stakeholders, understand business needs and objectives and identify legal problems and issues to develop targeted legal frameworks and strategies that support the achievement of business objectives and position the organisation effectively to address future challenges
- Lead and manage key disputes, litigation and other complex issues and provide advice to ensure the organisation maintains a legally sound position
- Initiate and lead knowledge sharing and capability initiatives across the organisation to build understanding and awareness of relevant legal issues and risks and drive proactive planning and the implementation of best practices and approaches
- Lead and oversee the delivery of legal research, the preparation of executive briefs, submissions, policy documents and reports aligning key policy, legislative and trend information across various aspects of commercial and property law to inform policy and program development

## Key challenges

- Supporting the General Counsel in the development of practice management systems and procedures, while at the same time managing and reconciling numerous competing strategic priorities and different business perspectives in a time constrained environment where some of those matters have a high level of political interest and public visibility
- Balancing a high volume work environment and demands resulting from tight timeframes and competing priorities against the requirement to also spend time in gaining a deep knowledge of the business of key clients
- Leading negotiations and the formulation of legal solutions in response to complex problems while at all times maintaining the support and trust of Executive teams

## Key relationships

Who	Why
<b>Ministerial</b>	
Ministers and Ministers' offices	<ul style="list-style-type: none"> <li>• Provide expert advice on Sydney Metro project legal issues</li> </ul>
<b>Internal</b>	
General Counsel	<ul style="list-style-type: none"> <li>• Escalate issues, keep informed, advise and receive instructions</li> <li>• Contribute to strategic planning and decision making consistent with the vision for the team</li> <li>• Receive assignments of work and provision of guidance and feedback</li> </ul>

Who	Why
Direct reports	<ul style="list-style-type: none"> <li>Lead, inspire and motivate the team, provide direction and manage performance</li> <li>Facilitate the development and maintenance of required skills and capabilities to ensure that staff are adequately resourced to perform</li> </ul>
Senior Executives	<ul style="list-style-type: none"> <li>Provide expert advice and solutions based legal services for projects and across the Program</li> <li>Forge consultative working relationships with the key internal clients nominated by the General Counsel to improve decision making in connection with the management of projects and legal risks</li> </ul>
Key clients	<ul style="list-style-type: none"> <li>Provide legal advice and develop on-going to proactively identify key legal risks at as early a stage as possible and to gain a deep understanding of the business operations and environment in which those clients operate</li> </ul>
External	
TfNSW - Deputy General Counsels in TfNSW, RMS and Sydney Trains	<ul style="list-style-type: none"> <li>Align strategies with Cluster initiatives and escalate issues that have significant implications</li> <li>Share information and expertise in order to achieve efficiencies and develop staff across the cluster legal team</li> <li>Develop and implement secondment opportunities between agency legal teams</li> </ul>
External law firms	<ul style="list-style-type: none"> <li>Engage and manage to deliver legal services and advice and drive performance and value for money outcomes</li> </ul>
Courts ,Tribunals and Regulators	<ul style="list-style-type: none"> <li>Represent the organisation as a model litigant and prosecutor</li> </ul>
Urban Growth NSW	<ul style="list-style-type: none"> <li>Influence planning outcomes and collaborate on programs</li> </ul>
Developers	<ul style="list-style-type: none"> <li>Liaise and negotiate to achieve outcomes aligned to organisational requirements</li> </ul>

## Role dimensions

### Decision making

The role operates with significant autonomy in the management and delivery of the unit. The role is required to form legal views and provide expert legal services. The role allocates work to the team and is an escalation point for complex or contentious matters. The role partners and engages at the Executive level to understand client needs, develop innovative options and identify and address legal risks. The role is fully accountable for the quality and integrity of advice provided. The role determines strategic priorities in consultation with the General Counsel and defers complex issues of a legislative or political nature or decisions that will substantially alter the outcome or timeframes, major issues or conflicts arising in the course duties or matters requiring a higher delegated authority including approval for expenditure or sensitive issues.

### Reporting line

This role reports directly to the General Counsel

## Direct reports

The number of direct reports will be confirmed

## Budget/Expenditure

The budget/expenditure for this role is to be confirmed.

## Essential requirements

- Eligible to hold an unrestricted practicing certificate in NSW
- Superior current knowledge and expertise in at least 2 of the following areas of law:
  - Construction law, primarily back end
  - Projects
  - Rolling stock procurement
  - Planning & Environment
  - Property
- Proven capability to obtain highly developed skills in other practice areas

## 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.


This role also utilises an occupation specific capability set which contains information from the Legal Professionals Capability Set. The capability set is available at

<https://www.psc.nsw.gov.au/workforce-management/capability-framework/occupation-specific-capability-sets/legal-capability-set>

## NSW Public Sector Capability Framework

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

## Occupation / profession specific capabilities

Capability Set	Capability	Level
 Legal	<b>Legal Advice</b>	<b>4</b>
	Statutory Interpretation	<b>3</b>
	Litigation and Dispute Resolution	<b>4</b>

## 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
<b>Personal Attributes</b> Act with Integrity	Highly Advanced	<ul style="list-style-type: none"> <li>• Champion and act as an advocate for the highest standards of ethical and professional behaviour</li> <li>• Drive a culture of integrity and professionalism across the organisation, and in dealings cross-government, cross-jurisdiction and outside of government</li> <li>• Define, communicate and evaluate ethical practices, standards and systems and reinforce their use</li> <li>• Create and promote a climate in which staff feel able to report apparent breaches of rules, policies and guidelines and act promptly and visibly in response to such reports</li> </ul>
<b>Relationships</b> Commit to Customer Service	Advanced	<ul style="list-style-type: none"> <li>• Promote a culture of quality customer service in the organisation</li> <li>• Initiate and develop partnerships with customers to define and evaluate service performance outcomes</li> <li>• Promote and manage alliances within the organisation and across the public, private and community sectors</li> <li>• Liaise with senior stakeholders on key issues and provide expert and influential advice</li> <li>• Identify and incorporate the interests and needs of customers in business process design</li> <li>• Ensure that the organisation's systems, processes, policies and programs respond to customer needs</li> </ul>
<b>Relationships</b> Work Collaboratively	Advanced	<ul style="list-style-type: none"> <li>• Build a culture of respect and understanding across the organisation</li> <li>• Recognise outcomes which resulted from effective collaboration between teams</li> <li>• Build co-operation and overcome barriers to information sharing, communication and collaboration across the organisation and cross-government</li> <li>• Facilitate opportunities to engage and collaborate with external stakeholders to develop joint solutions</li> </ul>
<b>Relationships</b> Influence and Negotiate	Highly Advanced	<ul style="list-style-type: none"> <li>• Engage in a range of approaches to generate solutions, seeking expert inputs and advice to inform negotiating strategy</li> <li>• Use sound arguments, strong evidence, and expert opinion to influence outcomes</li> <li>• Determine and communicate the organisation's position and bargaining strategy</li> <li>• Represent the organisation in critical negotiations, including those that are cross-jurisdictional, achieving effective solutions in challenging relationships, ambiguous and conflicting positions</li> <li>• Pre-empt and avoid conflict across organisations and with senior internal and external stakeholders</li> <li>• Identify contentious issues, direct discussion and debate, and steer parties towards an effective resolution</li> </ul>

## NSW Public Sector Capability Framework

Group and Capability	Level	Behavioural Indicators
<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	Highly Advanced	<ul style="list-style-type: none"> <li>• Establish and promote a culture which encourages initiative and emphasises the value of continuous improvement</li> <li>• Engage in high-level critical analysis of a wide range of complex information and formulate effective responses to critical policy issues</li> <li>• Identify and evaluate organisation-wide implications when considering proposed solutions to issues</li> <li>• Apply lateral thinking and develop innovative solutions that have long standing, organisation-wide impact</li> <li>• Ensure effective governance systems are in place to guarantee quality analysis, research and reform</li> </ul>
<b>Results</b> Demonstrate Accountability	Advanced	<ul style="list-style-type: none"> <li>• Design and develop systems to establish and measure accountabilities</li> <li>• Ensure accountabilities are exercised in line with government and business goals</li> <li>• Exercise due diligence to ensure work health and safety risks are addressed</li> <li>• Oversee quality assurance practices</li> <li>• Model the highest standards of financial probity, demonstrating respect for public monies and other resources</li> <li>• Monitor and maintain business unit knowledge of and compliance with legislative and regulatory frameworks</li> <li>• Incorporate sound risk management principles and strategies into business planning</li> </ul>
<b>Business Enablers</b> Procurement and Contract Management	Advanced	<ul style="list-style-type: none"> <li>• Ensure that government and organisational policy in relation to procurement and contract management is implemented</li> <li>• Monitor procurement and contract management risks and ensure that this informs contract development, management and procurement decisions</li> <li>• Take responsibility for procurement and contract management activities and decisions by applying the guidelines and procedures</li> <li>• Promote the principles of risk management as applied to procurement projects, to identify and mitigate risk</li> </ul>



## NSW Public Sector Capability Framework

Group and Capability	Level	Behavioural Indicators
<b>People Management</b> Manage and Develop People	Advanced	<ul style="list-style-type: none"> <li>Implement effective governance arrangements to monitor provider, supplier and contractor performance against contracted deliverables and outcomes</li> <li>Represent the organisation in the resolution of complex/sensitive disputes with providers, suppliers and contractors</li> </ul>
		<ul style="list-style-type: none"> <li>Refine roles and responsibilities over time to achieve better business outcomes</li> <li>Recognise talent, develop team capability and undertake succession planning</li> <li>Coach and mentor staff and encourage professional development and continuous learning</li> <li>Provide timely, constructive and objective feedback to staff</li> <li>Address and resolve team and individual performance issues, including serious unsatisfactory performance, in a timely and effective way</li> <li>Implement performance development frameworks to align workforce capability with the organisation's current and future priorities and objectives</li> </ul>

## Occupation specific capability set (Legal Professionals)

Capability	Level	Level Description
<b>Legal Advice</b>	4	<ul style="list-style-type: none"> <li>Provide guidance on complex issues concerning client identity, multiple clients, scope of instructions, purpose, sensitivity or urgency.</li> <li>Provide guidance and leadership on legal issues relating to vulnerable clients, including where capacity may be in issue or where ethical or cross-cultural issues arise.</li> <li>Apply a high level understanding and expert analysis of policy, probity and operational issues to provide solutions and options to resolve complex and sensitive legal questions.</li> <li>Review legal risk management across the organisation and advise on the strategic, commercial and policy considerations of decisions</li> <li>Review internal legal capacity and expertise and develop options for the provision of legal services, including managing cost and tender processes.</li> <li>Monitor and review relationships with external legal services providers and evaluate cost effectiveness, timeliness and quality of services provided.</li> <li>Provide professional supervision to other legal roles in preparing legal advice, to assist in their professional development and assure the quality of the advice provided</li> </ul>



