

Role Description

Principal Legal Officer

Cluster	Education
Agency	NSW Department of Education
Division/Branch/Unit	People / Legal Services Directorate
Location	105 Phillip St, Parramatta
Classification/Grade/Band	Legal Officer grade 6
Kind of employment	Ongoing
Child Related Role	Yes
Role number(s)	126870, 126871, 126871, 164596, 215700, 216368, 216368, 221766, 236716
ANZSCO Code	271299
PCAT Code	1118192
Date of Approval	20 January 2023
Agency Website	education.nsw.gov.au

Agency overview

The NSW Department of Education serves the community by providing world-class education for students of all ages.

We ensure young children get the best start in life by supporting and regulating the early childhood education sector. We are the largest provider of public education in Australia with responsibility for delivering high-quality public education to two-thirds of the NSW student population. We are committed to fostering vibrant, sustainable and high-performing vocational and higher education sectors.

We are responsible for enacting NSW Government policy, driving improvement in education, and overseeing policy, funding and compliance issues relating to non-government schools. We respect and value Aboriginal and Torres Strait Islander people as First Peoples of Australia.

Legal Services Directorate

Legal Services supports schools, regional and state offices to navigate the law to put students at the centre of decision-making. We are a trusted and credible partner, delivering excellent service and promoting community confidence in public education. Our legal advice and expertise build organisational capabilities so that every student, every teacher, every leader and every school can improve, every year.

Legal practice areas include commercial and property law, contracts, liability, discrimination, privacy, employment, attendance, civil, criminal and administrative law and general litigation.

Primary purpose of the role

Lead a practice group team to provide high quality, cost effective and client focused legal services which contribute to the achievement of the goals of the directorate and the department's stakeholders and business units.

Key accountabilities

- Manage and provide strategic leadership for general and specialist legal advisory work, develop legal policy and ensure litigation involving the department is conducted efficiently, effectively, and in accordance with relevant departmental objectives and government policies.
- Provide the highest level of legal services, advocacy and advice to clients, senior management and staff, in accordance with legislative requirements, policies, procedures, guidelines, precedents and practice standards, to ensure consistent, quality services are delivered and outcomes are improved for the department and its students.
- Lead, supervise and mentor staff, and manage staff performance, to foster a culture of professional development and continual improvement, and allocate work to ensure high quality work is delivered and timeframes for legal advice and services are met.
- Conduct litigation or coordinate external legal representation and represent the department before courts and tribunals, committees, advisory bodies and working parties, and in contract negotiations to ensure optimum outcomes in the resolution of legal matters for clients and the department.
- Draft, develop and review complex and sensitive documents including contracts, commercial agreements, instruments, submissions, court process, orders, civil agreements, drafting instructions, legislation, briefing notes, internal policies and procedures, and instructions to external legal advisors to support the department's operations.
- Contribute to the design and development of practice group strategy, plans and programs, including allocating and monitoring work, to provide efficient and effective legal advice and services and ensure optimal delivery of operational priorities.
- Lead, design and develop legal education and training programs to internal and external stakeholders and clients to build capacity and facilitate the provision of quality advice and services and a culture of collaboration and continuous improvement.
- Oversee the collection and analysis of accurate and relevant legal data to deliver high quality responsive reporting that informs and improves the department's operations.

Key challenges

- Effectively negotiating sensitive legal policy and operational issues without compromising the integrity of legal advice and providing holistic and strategic solutions.
- Clearly communicating highly complex legal concepts to a wide range of internal and external stakeholders and clients and understanding their requirements.
- Operating effectively and efficiently at level across Education and Legal Services practice groups as required through collaborative provision of relevant and current legal advice in an integrated legal services model incorporating a wide range of specialties.

Key relationships

Who	Why
Internal	
General Counsel and Deputy General Counsel	<ul style="list-style-type: none">• Provide timely and accurate advice regarding legal issues• Actively seek, reflect and act on performance feedback• Develop and maintain effective working relationships
Team members	<ul style="list-style-type: none">• Provide information, advice, support and performance feedback• Provide an effective and valuable two-way liaison

Who	Why
Other Education divisions	<ul style="list-style-type: none"> • Provide timely and accurate legal advice within negotiated timeframes • Develop and maintain effective working relationships
External	
External legal panel firms	<ul style="list-style-type: none"> • Allocate work as negotiated • Build positive relationships.
Community groups	<ul style="list-style-type: none"> • Provide timely and accurate legal advice within negotiated timeframes • Develop and maintain effective working relationships
Clients, counsel, witnesses, experts, other members of the legal profession and court officials	<ul style="list-style-type: none"> • Receive instructions and represent clients, provide instructions, advice and information and conduct legal matters • Build positive relationships.

Role dimensions

Decision making

Acts independently in making decisions on the operational management of the team, including allocating resources, determining the conceptual framework towards projects and the development of strategic plans

Consults with the General Counsel or the Deputy General Counsel (depending on the practice area) on sensitive, high risk or business critical issues to agree on a suitable course of action for resolution

Reporting line

General Counsel (Executive Director) or Deputy General Counsel (Director), depending on the practice area.

Direct reports

A Principal Legal Officer manages a team of staff (number of staff is dependent on practice area)

Budget/Expenditure

Financial delegation in accordance with Departmental policy.

Key knowledge and experience

- Knowledge and experience in the relevant area/s of law impacting on the NSW Department of Education
- Demonstrated experience leading effective teams
- Substantial experience in related areas of practice
- Extensive experience as a solicitor advocate in relevant jurisdictions
- Knowledge of and commitment to implementing the Department's [Aboriginal Education Policy](#) and upholding the [Department's Partnership Agreement with the NSW AECG](#) and to ensure quality outcomes for Aboriginal people.

Essential requirements

- Legal qualifications and a current unrestricted NSW legal practising certificate (or eligibility for one).
- Working with Children Check clearance for paid employment or ability to apply for clearance.

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	Manage Self Show drive and motivation, an ability to self-reflect and a commitment to learning	<ul style="list-style-type: none">• Act as a professional role model for colleagues, set high personal goals and take pride in their achievement• Actively seek, reflect and act on feedback on own performance• Translate negative feedback into an opportunity to improve• Take the initiative and act in a decisive way• Demonstrate a strong interest in new knowledge and emerging practices relevant to the organisation	Advanced

FOCUS CAPABILITIES

Capability group/sets	Capability name	Behavioural indicators	Level
 Relationships	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
	Work Collaboratively Collaborate with others and value their contribution	<ul style="list-style-type: none"> • Recognise outcomes achieved through effective collaboration between teams • Build cooperation and overcome barriers to information sharing, communication and collaboration across the organisation and across government • Facilitate opportunities to engage and collaborate with stakeholders to develop joint solutions • Network extensively across government and organisations to increase collaboration • Encourage others to use appropriate collaboration approaches and tools, including digital technologies 	Advanced
 Results	Deliver Results Achieve results through the efficient use of resources and a commitment to quality outcomes	<ul style="list-style-type: none"> • Seek and apply the expertise of key individuals to achieve organisational outcomes • Drive a culture of achievement and acknowledge input from others • Determine how outcomes will be measured and guide others on evaluation methods • Investigate and create opportunities to enhance the achievement of organisational objectives • Make sure others understand that on-time and on-budget results are required and how overall success is defined • Control business unit output to ensure government outcomes are achieved within budgets 	Advanced

FOCUS CAPABILITIES

Capability group/sets	Capability name	Behavioural indicators	Level
	Think and Solve Problems Think, analyse and consider the broader context to develop practical solutions	<ul style="list-style-type: none"> Progress organisational priorities and ensure that resources are acquired and used effectively 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 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 	Advanced
 Business Enablers	Technology Understand and use available technologies to maximise efficiencies and effectiveness	<ul style="list-style-type: none"> Identify opportunities to use a broad range of technologies to collaborate Monitor compliance with cyber security and the use of technology policies Identify ways to maximise the value of available technology to achieve business strategies and outcomes Monitor compliance with the organisation's records, information and knowledge management requirements 	Adept
 People Management	Manage and Develop People Engage and motivate staff, and develop capability and potential in others	<ul style="list-style-type: none"> Define and clearly communicate roles, responsibilities and performance standards to achieve team outcomes Adjust performance development processes to meet the diverse abilities and needs of individuals and teams Develop work plans that consider capability, strengths and opportunities for development Be aware of the influences of bias when managing team members Seek feedback on own management capabilities and develop strategies to address any gaps 	Adept

FOCUS CAPABILITIES

Capability group/sets	Capability name	Behavioural indicators	Level
		<ul style="list-style-type: none"> Address and resolve team and individual performance issues, including unsatisfactory performance, in a timely and effective way Monitor and report on team performance in line with established performance development frameworks 	
	Optimise Business Outcomes Manage people and resources effectively to achieve public value	<ul style="list-style-type: none"> Initiate and develop longer-term goals and plans to guide the work of the team in line with organisational objectives Allocate resources to ensure the achievement of business outcomes and contribute to wider workforce planning When planning resources, implement processes that encourage the attraction and retention of people of diverse cultures, backgrounds and experiences Ensure that team members base their decisions on a sound understanding of business and risk management principles, applied in a public sector context Monitor performance against standards and take timely corrective actions Keep others informed about progress and performance outcomes 	Adept

Occupation specific capability set –		Legal Professionals Capability Set link	
	Legal Capability	Behaviours	Level
 Legal	Legal Advice Provide quality independent legal advice and explanation of legal issues	<ul style="list-style-type: none"> Provide guidance on complex issues concerning client identity, multiple clients, scope of instructions, purpose, sensitivity or urgency. 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. 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. Review legal risk management across the organisation and advise on the strategic, commercial and policy considerations of decisions. Review internal legal capacity and expertise and develop options for the provision of legal 	Level 4

FOCUS CAPABILITIES






Capability group/sets	Capability name	Behavioural indicators	Level
		<p>services, including managing cost and tender processes.</p> <ul style="list-style-type: none"> • Monitor and review relationships with external legal services providers and evaluate cost effectiveness, timeliness and quality of services provided. • 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. 	
	<p>Litigation and Dispute Resolution</p> <p>Litigate and resolve disputes effectively in relevant forums and jurisdictions</p>	<ul style="list-style-type: none"> • Provide leadership in the areas of model litigant behaviour, ethical conduct and deal with complaints about conduct of legal professionals. • Provide leadership and guidance to others on the procedural aspects of conducting complex litigation, including in urgent applications and appellate jurisdictions. • Provide leadership and share expertise on the conduct and management of litigation, promote best practice in litigation management and advise on highly complex and significant strategic issues. • Review and analyse decisions concerning evidence and/or witnesses in highly complex or significant matters and provide expert advice on evidence where required. • Provide leadership on the strategic use and conduct of alternative dispute resolution processes and managing costs of litigation. • Review internal legal department capacity, future needs and expertise and develop options for the provision of legal services; manage cost and manage tender processes. • Monitor and review relationships with external legal services providers and evaluate cost effectiveness, timeliness and quality of services provided. 	Level 4

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.

COMPLEMENTARY CAPABILITIES

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
	Act with Integrity	Be ethical and professional, and uphold and promote the public sector values	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
	Influence and Negotiate	Gain consensus and commitment from others, and resolve issues and conflicts	Adept
 Results	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
	Procurement and Contract Management	Understand and apply procurement processes to ensure effective purchasing and contract performance	Intermediate
	Project Management	Understand and apply effective planning, coordination and control methods	Intermediate
 People Management	Inspire Direction and Purpose	Communicate goals, priorities and vision, and recognise achievements	Intermediate
	Manage Reform and Change	Support, promote and champion change, and assist others to engage with change	Intermediate

Occupation specific capability set - Legal Professionals Capability Set [link](#)

	Legal Capability	Behaviours	Level
 Legal	Statutory Interpretation	Interpret legislation, subordinate legislation and instruments in accordance with legislation and accepted legal principles	Level 3
	Legal Research	Undertake legal research	Level 3
	Legal drafting	Prepare legal documents to achieve client outcomes	Level 3
	Prosecution	Prosecute offences in accordance with the relevant law, conduct rules and prosecutorial standards	Level 2
	Advocacy	Act as an effective and ethical advocate	Level 3
	Legislative Development and Drafting	Provide legal services relating to legislative proposals and legislative drafting	Level 2