

Role Description

Senior Legal Counsel



Cluster	Transport
Agency	Sydney Metro
Division/Branch/Unit	Office of the Chief Executive
Location	680 George Street, Sydney and other site locations
Classification/Grade/Band	Band 1B
Senior Executive Work Level Standards	Work Contribution Stream: Professional/Technical/Specialist
Role Number	Various
ANZSCO Code	271111
PCAT Code	1128192
Date of Approval	November 2019
Agency Website	www.sydneymetro.info

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 deliver high quality, high value, timely and solutions focussed independent advice for business groups across the organisation (such as the project, delivery and operational teams). The role will provide advice relevant to the area of expertise which can cover highly complex and sensitive issues with high profiles and high financial, reputational or operational risks.

The role is also required to share knowledge and experience with other legal team members and internal clients to enable lessons to be learnt and consistency to be applied across all projects. It will further undertake other work as allocated by the Deputy General Counsel.

Key accountabilities

- Live the NSW Public Sector organisational values to achieve outstanding outcomes for the organisation and customers
- Lead, oversee and provide expert, timely, clear, comprehensive and solution focussed legal services in a manner that supports both project and organisational outcomes while also addressing legal risk
- Proactively engage and partner with key internal clients to provide a significant contribution to achieving the delivery of project goals, including leading negotiations and the formulation of legal

solutions in response to complex problems while at all times maintaining their support and trust and the support and trust of the Deputy General Counsel

- Maximise the value and quality of legal services delivered by optimising the mix of internal and external service delivery on the project
- Ensure systematic and strategic legal risks regarding projects are identified and raised with the Deputy General Counsel, and proactively work with internal clients to facilitate solutions
- Forge consultative working relationships with the key internal clients nominated by the Deputy General Counsel to improve early decision making in connection with the management of legal risks
- Initiate and develop knowledge sharing, expertise and skills within the legal team and with key internal clients to improve decision making in legal issues
- Develop and deliver high quality legal precedents
- Assist in educating the business units to improve decision making in relation to a range of legal issues
- Engage with key internal clients to identify and capitalise on opportunities to improve the legislative framework and business processes

Key challenges

- Balancing a high volume work environment and demands resulting from tight timeframes and competing priorities so as to ensure consistent high quality strategic and responsive legal advice and services, against the requirement to stay connected to the legal team's objectives and agency wide perspectives
- Forging strategic long term partnerships and consultative working relationships with other legal team members, key stakeholders including the Executive, nominated key clients, other government agencies and external law firms to achieve desired policy solutions and business outcomes
- Supporting the Deputy 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 from within and outside project teams in a time constrained environment where some of those matters have a high level of political interest and public visibility

Key relationships

Who	Why
Ministerial	
Ministers and Ministers' offices	<ul style="list-style-type: none"> • Provide expert advice to relevant Ministers and Ministers' offices on complex and controversial matters relating to the project
Internal	
Deputy General Counsel	<ul style="list-style-type: none"> • Provide expert advice and solutions based legal services on project issues • Escalate issues, keep informed, advise and receive instructions • Provide regular updates on key projects, issues and priorities • Contribute to strategic planning and decision making consistent with the vision for the team
General Counsel	<ul style="list-style-type: none"> • Provide expert advice and solutions based legal services on project issues

Who	Why
Legal team	<ul style="list-style-type: none"> Proactively share observations, practices and lessons with other team members and assists other members in balancing out the workload Work cooperatively within the team, exchange information and assist other team members to achieve team objectives and work outcomes
Senior Executives	<ul style="list-style-type: none"> Provide expert advice and solutions based legal services on project issues
Key clients	<ul style="list-style-type: none"> Provide legal advice and develop on-going relationships with key clients 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
External	
TfNSW and other Transport operating agencies	<ul style="list-style-type: none"> Build collaborative working relationships Share information and expertise in order to achieve efficiencies across the cluster
External law firms	<ul style="list-style-type: none"> Negotiate and improve quality and cost of external legal services Ensure law firms are properly briefed and the work clearly scoped so as to assist in law firms being able to expeditiously provide user friendly advice

Role dimensions

Decision making

The role operates with a high level of autonomy within the requirements of the agreed work plan and establishes operational priorities in consultation with the Deputy General Counsel. The position holder is expected to deliver assigned projects on time, effectively manage legal costs and is fully accountable for the quality, integrity and accuracy of expert legal advice and services provided.

Reporting line

This role reports directly to the Deputy General Counsel.

Direct reports

The role has no direct reports.

Budget/Expenditure

This role is responsible for ensuring the efficient use of external legal budgets.

Essential requirements

- Eligible to hold a practicing certificate in NSW
- Superior current knowledge and expertise in at least one of the following areas of law:
 - Back end construction law
 - Projects (including Public Private Partnership and other complex contracting experience)
 - Infrastructure projects

- Government
- Commercial

- Proven capability to develop 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


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>

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	Advanced
	Act with Integrity	Advanced
	Manage Self	Advanced
	Value Diversity	Advanced
 Relationships	Communicate Effectively	Highly Advanced
	Commit to Customer Service	Advanced
	Work Collaboratively	Advanced
	Influence and Negotiate	Advanced
 Results	Deliver Results	Advanced
	Plan and Prioritise	Advanced
	Think and Solve Problems	Highly Advanced
	Demonstrate Accountability	Advanced
 Business Enablers	Finance	Adept
	Technology	Adept
	Procurement and Contract Management	Adept
	Project Management	Adept

Occupation / profession specific capabilities

Capability Set	Capability	Level
	Legal Advice	3

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 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 Commit to Customer Service	Advanced	<ul style="list-style-type: none"> Promote a culture of quality customer service in the organisation Initiate and develop partnerships with customers to define and evaluate service performance outcomes Promote and manage alliances within the organisation and across the public, private and community sectors

NSW Public Sector Capability Framework

Group and Capability	Level	Behavioural Indicators
		<ul style="list-style-type: none"> • Liaise with senior stakeholders on key issues and provide expert and influential advice • Identify and incorporate the interests and needs of customers in business process design • Ensure that the organisation's systems, processes, policies and programs respond to customer needs
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, 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	Advanced	<ul style="list-style-type: none"> • 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 • 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 • Pre-empt and minimise conflict within the organisation and with external stakeholders
Results Deliver Results	Advanced	<ul style="list-style-type: none"> • Drive a culture of achievement and acknowledge input of others • 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 output of business unit to ensure government outcomes are achieved within budget • Progress organisational priorities and ensure effective acquisition and use of resources • Seek and apply the expertise of key individuals to achieve organisational outcomes
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

NSW Public Sector Capability Framework

Group and Capability	Level	Behavioural Indicators
Results Demonstrate Accountability	Advanced	<ul style="list-style-type: none"> 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
Business Enablers Project Management	Adept	<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

Occupation specific capability set (Legal Professionals)

Capability	Level	Level Description
Legal Advice	3	<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
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