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| **Cluster** | Planning, Housing and Infrastructure |
| **Agency** | Department of Planning, Housing and Infrastructure |
| **Division/Branch/Unit** | Strategic Services and Advice/Legal |
| **Location** | Parramatta |
| **Classification/Grade/Band** | Planning Officer (Professional) Level 2 |
| **ANZSCO Code** | 271311 |
| **PCAT Code** | 1118192 |
| **Date of Approval** | May 2020 (updated November 2022; February 2024; August 2024) |
| **Agency Website** | https://www.nsw.gov.au/departments-and-agencies/department-of-planning-housing-and-infrastructure |

Agency overview

The Department of Planning, Housing and Infrastructure (DPHI) are building the future of NSW through delivering diverse planning, housing solutions and infrastructure across the state. We strive to be a high-performing, world-class public service organisation that celebrates and reflects the full diversity of the community we serve and seeks to embed Aboriginal cultural awareness and knowledge throughout the department.

Primary purpose of the role

The Senior Legal Officer works as a member of a team providing legal services and advice in areas including one or more of the following: planning law, environmental law, administrative law, crown lands law, contract and commercial law, property law, local government law, native title law, policy and legislation, compliance and regulatory law, prosecutions and general litigation to meet the Department’s needs. The legal team works across the cluster supporting robust decision making, policy development and implementation, as well as operational functions.

Key accountabilities

* Provide client focused legal services to staff of the Department in one or more of the following areas: planning law, environmental law, administrative law, crown lands law, contract and commercial law, property law, local government law, native title law, policy and legislation, compliance and regulatory law, prosecutions and general litigation.
* Draft and review documents including statutory instruments (such as orders, directions and development consents), briefing notes, delegations and other agreements to enable the Department to effectively carry out its functions.
* Facilitate the legislative process by advising on reform options and by preparing and reviewing Cabinet Minutes, second reading speeches, briefings and instructions for Parliamentary Counsel regarding the drafting of legislation so that legislative reform is in line with Government objectives and timeframes.
* Support Departmental negotiations with other agencies, proponents and their legal representatives to achieve positive client and Department outcomes.
* Undertake research and analysis and provide advice and recommendations on complex matters to facilitate the management and resolution of a diverse range of legal, regulatory and compliance matters which impact the Department’s capacity to achieve its strategic goals and to generally support decision making.
* Keep abreast of contemporary legal advancements and share and transfer specialist knowledge, expertise and skills to clients and colleagues by conducting information, training and briefing sessions, and developing training materials, to contribute to the work of the Department.
* Assist the team with developing innovative policy and legal options in response to challenging operational requirements to expand the Department’s ability to effectively deliver its core business and enhance the experience and outcomes for the community and stakeholders it serves.

Key challenges

* Provide advisory and legislative services to a range of clients to manage legal risks and achieve outcomes in relation to complex and sensitive projects and to meet the Department’s statutory and legal obligations.
* Manage competing priorities and interests in an environment of challenging workload demands and tight timeframes.
* Maintain up to date knowledge of multiple types of legal matters to quickly understand matters and provide timely responses, services and advice consistent with applicable legislation, policies and procedures.

Key relationships

| Who | Why |
| --- | --- |
| **Internal** |  |
| General Counsel and Deputy General Counsel | * Receive instructions, guidance and feedback for assigned work. |
| Team Director and Principal Legal Officers in the team | * Support the Director and Principal Legal Officers in the team. * Receive instructions, guidance and feedback * Providelegal services and advice on complex legal matters * Supportnegotiations with agencies, proponents and their lawyers * Informof major, complex, contentious or emerging issues * Provide regular updates on status of legal matters and priorities * Assist with team and Branch work program planning. |
| Senior Executives and business units | * Provide legal advice and develop and maintain effective working relationships to align the team’s resources to corporate priorities, offer innovative legal solutions and identify key legal risks * Liaise to ensure broad understanding of legal aspects and issues impacting current initiatives * Inform of status of, and to resolve identified legal matters * Share expertise and information, and provide professional legal and procedural advice * Liaise to obtain responses to questions and requests for advice * Assist with training and briefing sessions and training support material. |
| Team members | * Shareknowledge, expertise and information * Collaborate on matters and to implement ideas and innovative approaches * Attend team meetings and contribute to development of effective team systems and procedures. |
| Legal Branch | * Share knowledge, expertise and information * Collaborate on matters and to implement ideas and innovative approaches * Provide mutual support * Participate as part of a team in Legal & Governance Branch projects and initiatives. |
| **External** |  |
| Parliamentary Counsel’s Office | * Liaise with to provide instructions and draft legislation. |
| State and Local Government agencies | * Develop effective working relationships * Assist in client engagement activities, legislative process consultations or in negotiations * Provide advice regarding practice and legal procedure * Obtain support and cooperation to seek responses and required advice. |

# Role dimensions

## Decision making

The Senior Legal Officer:

* receives advice and guidance from the Legal Director, Deputy General Counsel and General Counsel but has some responsibility for setting own priorities within the overall agreed work program under the supervision of the Legal Director or Principal Legal Officer.
* is required to complete all legal work within the required timeframes, legislative framework, and in accordance with any applicable Departmental policies and legal professional standards
* is required to refer emerging issues to the Legal Director or Principal Legal Officer for guidance
* may be required to work closely with and receive guidance from Principal Legal Officers to support them on specific projects.

## Reporting line

Reports to the Principal Legal Officer.

## Direct reports

Nil

## Budget/expenditure

Nil

Essential requirements

Admitted or qualified for admission as a Solicitor or Barrister in the Supreme Court of NSW and hold, or be eligible to hold, a NSW Practising Certificate

Experience in one or more of the following areas:

* Planning and environmental law including the Environmental Planning & Assessment Act;
* Administrative law or experience in the policy making and legislative process and good knowledge of statutory interpretation;
* Property, native title or crown lands law;
* Contract and commercial law;
* Local government law; or
* Compliance and regulatory law, prosecutions and general litigation.

# Capabilities for the role

The [NSW public sector capability framework](https://www.psc.nsw.gov.au/workforce-management/capability-framework/the-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** |
|  | **Act with Integrity**  Be ethical and professional, and uphold and promote the public sector values | | Represent the organisation in an honest, ethical and professional way  Support a culture of integrity and professionalism  Understand and help others to recognise their obligations to comply with legislation, policies, guidelines and codes of conduct  Recognise and report misconduct and illegal and inappropriate behaviour  Report and manage apparent conflicts of interest and encourage others to do so | Intermediate |
|  | **Communicate Effectively**  Communicate clearly, actively listen to others, and respond with understanding and respect | | 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 |
| **Commit to Customer Service**  Provide customer-focused services in line with public sector and organisational objectives | | Focus on providing a positive customer experience  Support a customer-focused culture in the organisation  Demonstrate a thorough knowledge of the services provided and relay this knowledge to customers  Identify and respond quickly to customer needs  Consider customer service requirements and develop solutions to meet needs  Resolve complex customer issues and needs  Cooperate across work areas to improve outcomes for customers | Intermediate |
| **Influence and Negotiate**  Gain consensus and commitment from others, and resolve issues and conflicts | | 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 resolving conflicts and differences  Manage challenging relationships with internal and external stakeholders  Anticipate and minimise conflict | Adept |
|  | **Deliver Results**  Achieve results through the efficient use of resources and a commitment to quality outcomes | | Seek and apply specialist advice when required  Complete work tasks within set budgets, timeframes and standards  Take the initiative to progress and deliver own work and that of the team or unit  Contribute to allocating responsibilities and resources to ensure the team or unit achieves goals  Identify any barriers to achieving results and resolve these where possible  Proactively change or adjust plans when needed | Intermediate |
| **Think and Solve Problems**  Think, analyse and consider the broader context to develop practical solutions | | 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 the 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 | Adept |
|  | **Project Management**  Understand and apply effective planning, coordination and control methods | | Perform basic research and analysis to inform and support the achievement of project deliverables  Contribute to developing project documentation and resource estimates  Contribute to reviews of progress, outcomes and future improvements  Identify and escalate possible variances from project plans | Intermediate |

# 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** |
|  | 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 |
|  | Work Collaboratively | | Collaborate with others and value their contribution | Intermediate |
|  | Plan and Prioritise | | Plan to achieve priority outcomes and respond flexibly to changing circumstances | Intermediate |
| Demonstrate Accountability | | Be proactive and responsible for own actions, and adhere to legislation, policy and guidelines | Intermediate |
|  | 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 |

| **Legal Professionals Capability Set** |
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| **Capability group/sets** | **Description** | **Level** |
| legal-professionals-capabilities | Interpret legislation, subordinate legislation and instruments in accordance with legislation and accepted legal principles | Level 2 |
| legal-professionals-capabilities | Undertake legal research | Level 2 |
| legal-professionals-capabilities | Provide quality independent legal advice and explanation of legal issues | Level 2 |