

Crown Law

Statement of Duties – September 2018

Title	Special Counsel (Construction and Projects)
Number	Generic
Award	Senior Executive Service
Classification	Equivalent Specialists (Senior Lawyers)
Output Group	Legal Services
Full Time Equivalent	1.0
Division	Crown Law
Branch	Office of the Crown Solicitor
Supervisor	Crown Solicitor
Direct Reports	Up to 3
Location	Hobart
Terms of Employment	Fixed term for up to five years, 73.50 hours per fortnight, 52 weeks per year. Some interstate and intrastate travel may be required.
Position category and funding	T183

The Department of Justice

Aim

A safe, fair and just Tasmania.

Purpose

To support the Tasmanian Government to promote the rule of law by

- ensuring an effective, efficient and accessible justice system.
- protecting and respecting rights.
- improving laws.
- influencing positive behaviour and enforcing responsibilities.

Visit the [Department of Justice website](#) for more information.

Divisional Information

The role of the Office of the Crown Solicitor is to provide commercial legal services and conveyancing services to Government and thereby support the economic development of the State.

Visit the [website](#) for more information.

About the position

Objective

This position assists the Crown Solicitor in the conduct and management of the business of the office by acting as a senior commercial solicitor in complex, critical and novel commercial transactions (including construction matters) and by exercising significant professional leadership within the Office of the Crown Solicitor.

Duties

- To act as the legal representative for and on behalf of the State and its instrumentalities in complex, novel, critical and routine construction projects, matters related to the delivery and maintenance of infrastructure, and development projects.
- To undertake negotiations and consultation relevant to the work performed.
- To undertake independent drafting of complex, novel, critical and routine legal documentation (including tender documentation) related to construction projects, the delivery and maintenance of infrastructure, and development projects.
- To provide legal advice on complex, novel and critical construction projects, matters related to the delivery and maintenance of infrastructure, and developments projects, to the State and its instrumentalities.
- To assist generally with the work of the Office of the Crown Solicitor.
- To ensure the achievement of corporate and divisional goals through planning, organising, directing and controlling resources; actively participating in performance management activities and fostering a feedback culture; and contributing to the development and implementation of policy relevant to the Office.

Level of responsibility

- Provide high level, complex and often sensitive advice in relation to construction projects, matters related to the delivery of infrastructure, and development projects.
- Exercise extensive professional judgement to make complex decisions in the best interests of the State of Tasmania and its Agencies, and in the determination of overall strategies, priorities and work standards in respect of his or her own work and that of subordinates.
- Responsible for maintaining an extensive and current knowledge of relevant legislation, policies and procedures.
- Ensure efficient and effective management of work health, wellbeing and safety for the areas of responsibility in accordance with the WHS requirements in the WHS Act.
- Periodically review the work area with your supervisors to assess the WHS aspects of the work done. Review hazard and incident reports, ensuring timely follow up and close out of actions. Overview the risk assessment processes for their activities.

Direction and supervision received

- Expected to work under broad policy control with guidance only required from the Crown Solicitor in complex and serious matters which have the capacity to significantly affect the interest of the State and/or its Agencies.

Selection criteria

The following specific selection criteria must be addressed by candidates by describing their relevant personal and professional skills and abilities; qualifications, training and competencies; past achievements; and potential for development. The position objective and duties can also be used to assist in addressing the selection criteria.

1. A comprehensive and expert knowledge of commercial law relevant to complex construction projects, matters related to the delivery and maintenance of infrastructure, and development projects.
2. Outstanding communication skills, both written and verbal, including the ability to independently draft complex, novel, critical and routine commercial legal documentation (including construction documentation); and to conduct complex and critical negotiations.
3. Highly developed management skills in leading and managing the performance of a professional team including skills in performance management, team building and participation, mentoring and resource management.
4. A high level of personal initiative and resourcefulness, including demonstrated organisational skills that enable the co-ordination, resourcing and management of a variety of concurrent tasks within pre-determined timeframes and to specified performance standards.
5. Highly developed interpersonal skills, with the ability to establish and maintain effective professional relationships with statutory officers, the legal profession, senior officers of the State Service, risk management specialists, specialist consultants and other relevant persons.
6. A demonstrated ability to efficiently undertake complex legal research.
7. Demonstrated ability to provide comprehensive strategic and policy advice, and to influence the development of professional principles.
8. Be able to demonstrate an understanding of the WHS legislation and the responsibilities of managers, as outlined in the Agency's *Roles & Responsibilities Procedure* along with the capacity to apply and uphold that knowledge.

Working environment

Employment in the State Service is governed by the *State Service Act 2000*. Both employees and officers are required to uphold and comply with the State Service Principles (Section 7) and the Code of Conduct (section 9).

Department of Justice state service employees:

- treat all users of our services with respect and courtesy;
- listen to what users of our services have to say;
- personalise services to the needs and circumstances of each user of our services where practical;
- always do what they say they are going to do, or update the appropriate people promptly if things change, offering an explanation for the change;
- respond to enquiries promptly and efficiently; and
- consult the public and users of our services about their service needs.

The minimum standard of behaviour expected of all Department of Justice employees is to:

- Consider people equally without prejudice or favour.
- Act professionally with honesty, consistency and impartiality.
- Take responsibility for situations, showing leadership and courage.
- Place the public interest over personal interest.
- Appreciate difference and welcome learning from others.
- Uphold the law, institutions of government and democratic principles.
- Communicate intentions clearly and invite teamwork and collaboration.
- Provide transparency to enable public scrutiny.
- Be fiscally responsible and focus on efficient, effective and prudent use of resources.

Further information about employee expectations is on the Department of Justice Intranet site under Statement of Intent.

The department is committed to high standards of performance in the application of contemporary management practices and principles including workplace health and safety and workplace diversity. The department recognises and uses the diversity of the community it serves. In doing this it acknowledges the individual differences that can contribute to the capacity of a person to perform the inherent requirements of the duties. All employees are expected to participate in maintaining safe working conditions and practices and to promote and uphold the principle of fair and equitable access to employment/promotion, personal development and training and the elimination of workplace harassment and discrimination.

All employees are responsible for participating actively and constructively in discussions regarding performance and for the implementation of agreed outcomes in accordance with the Performance Management policies and strategies of the Department.

Smoking is prohibited in State Government workplaces and vehicles.

Requirements

Essential requirements

- Admitted or eligible for admission as a Barrister or Practitioner of the Supreme Court of Tasmania

Desirable requirements

- Nil

Pre-employment Checks

The Head of State Service has determined that the person nominated for this vacancy is to satisfy a pre-employment check before taking up the appointment, promotion or transfer.

The following checks are to be conducted:

I. Pre-employment checks

- Arson and fire setting
- Violent crimes and crimes against the person
- Sex-related offences
- Drug and alcohol related offences

- Crimes involving dishonesty
 - Crimes involving deception
 - Making false declarations
 - Malicious damage and destruction to property
 - Serious traffic offences
 - Crimes against public order or relating to the Administration of Law and Justice
 - Crimes against Executive or the Legislative Power
 - Crimes involving Conspiracy
2. Disciplinary action in previous employment.
 3. Identification check.