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| **Cluster** | Planning & Environment |
| **Agency** | Department of Planning & Environment |
| **Division/Branch/Unit** | Governance & Legal |
| **Location** | Sydney |
| **Classification/Grade/Band** | Band 1 |
| **Senior Executive Work Level Standards** | Work Contribution Stream: Professional/Technical/Specialist |
| **ANZSCO Code** | 271299 |
| **PCAT Code** | 2118192 |
| **Date of Approval** | May 2023 (updated from January 2021; and April 2020) |
| **Agency Website** | <http://www.dpie.nsw.gov.au> |

**Agency Overview**

Our vision is to create thriving environments, communities and economies for the people of New South Wales. We focus on some of the biggest issues facing our state. We deliver sustainable water resource and environment management, secure our energy supply, oversee our planning system, maximise community benefit from government land and property, and create the conditions for a prosperous 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 Director leads a team of legal professionals responsible for providing expert advice and innovative legal services to senior stakeholders, focusing on the areas of natural resources and regional water, to ensure legal service delivery enables and facilitates the achievement of Departmental priorities.

Key accountabilities

* Provide leadership and expert advice to Ministers, the Secretary, Chief Legal Counsel, Senior Executives and internal and external stakeholders 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.
* Direct the research, analysis and interpretation of complex policy, legal and regulatory issues, to prepare high quality and articulate submissions, reviews and recommendations that add value to decision makers, enhance the decision-making process and improve the efficacy of the Department’s activities and impact on stakeholders.
* Keep abreast of contemporary legal advancements and develop 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.

* Lead and monitor the efficiency and effectiveness of the team’s service delivery and day to day operations, to ensure policy, legal and regulatory compliance and that risk is identified, minimised and managed.
* Assess and respond to the impact of changes in the operating environment on legal, policy and regulatory frameworks to ensure a high level of integration with the broader context, including the Department’s direction and role within government.
* Lead and represent the Department and Portfolio Ministers in high level negotiations and meetings regarding legal issues.
* Lead the team to ensure that priorities are clearly articulated and staff potential is maximised.

Key challenges

* Managing competing strategic priorities and different portfolio perspectives in a time constrained and rapidly changing environment to deliver responsive, high quality and strategically focused advice.
* Achieving a balance between day-to-day operational compliance and regulatory demands with the need for forward looking and innovative policy and legal solutions which better position the agency in the future.
* Integrating knowledge of the work of the Department, the operation of government and legislation, and absorbing diverse technical information quickly to integrate into problem solving and decision-making processes.

Key relationships

| Who |  Why |
| --- | --- |
| **Internal** |  |
| General Counsel | * Provide advice and work collegially.
* Keep advised of key legal matters and in conjunction with the General Counsel resolve them in the best interests of the Department, agencies, Government and people of NSW.
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| Executive Director, Planning, Environment and Resources | * Support the Executive Director in leading the Planning, Environment and Resources group, including providing counsel and recommendations to influence organisational decisions and initiatives and leadership in area of subject matter expertise.
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| Executive Leadership Team, Internal clients | * Develop and maintain effective relationships to enhance the team’s capacity to provide expert legal services to support the management and resolution of a diverse range of legal, regulatory and compliance matters.
* Provide legal expertise, counsel and professional leadership.
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| Executive Directors and Directors in the Governance and Legal Division | * Maintain effective and collaborative relationships with colleagues, participating in the formulation of cluster legal strategies and solutions, and sharing of information.
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| Director, Policy and Legislation | * Support delivery of creative legislative solutions by contributing to seamless legal service delivery involving legislative options.
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| Key clients | Provide legal advice and maintain relationships with key clients to align the team’s resources to corporate priorities, offer innovative legal solutions and identify key legal risks. |
| **External** |  |
| NSW Government agencies | * Develop effective working relationships to share information
* Facilitate stakeholder engagement activities obtain support and cooperation and achieve mutual outcomes.
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| Service providers | * Ensure advice and service provided are appropriate for project requirements.
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# Role dimensions

## Decision making

The Director:

* is accountable for the management of the team and planning to achieve the overall agreed work program
* has considerable autonomy and independence to determine day to day work priorities, deploy resources and allocate duties
* negotiates matters related to area of responsibility, and makes decisions in relation to the quality of work performed and methods and approaches for how to achieve business outcomes
* is fully accountable for the content, accuracy, validity and integrity of advice provided
* must consult with the Executive Director on major issues arising during the course of work performed
* makes decisions and acts within Government sector core values, strategic plans and priorities,
* legislative and regulatory frameworks, delegations, and agency policy and procedural frameworks and guidelines
* is accountable and responsible for the effective management and use of human, financial and other resources within set budget and resource parameters

## Reporting line

Executive Director, Planning, Environment and Resources

## Direct reports

Up to 9 direct reports

## Budget/Expenditure

TBC

Key knowledge and experience

* Demonstrated and superior current knowledge and expertise in natural resource management law or water law.
* Demonstrated and superior current knowledge of administrative law and statutory interpretation

Essential requirements

* Eligible to hold a current practicing certificate in NSW.

# 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 |
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| **Capability group/sets** | **Capability name** |  | **Behavioural indicators** | **Level**  |
|  | **Display Resilience and Courage**Be open and honest, prepared to express your views, and willing to accept and commit to change | Create a culture that encourages and supports openness, persistence and genuine debate around critical issuesProvide clear exposition and argument for agreed positions while remaining open to valid suggestions for changeRaise critical issues and make tough decisionsRespond to significant, complex and novel challenges with a high level of resilience and persistenceConsistently use a range of strategies to remain composed and calm and act as a stabilising influence even in the most challenging situations | Highly Advanced |
| **Act with Integrity**Be ethical and professional, and uphold and promote the public sector values | Model the highest standards of ethical and professional behaviour and reinforce their useRepresent the organisation in an honest, ethical and professional way and set an example for others to followPromote a culture of integrity and professionalism within the organisation and in dealings external to governmentMonitor ethical practices, standards and systems and reinforce their useAct promptly on reported breaches of legislation, policies and guidelines | Advanced |
|  | **Communicate Effectively**Communicate clearly, actively listen to others, and respond with understanding and respect | Articulate complex concepts and put forward compelling arguments and rationales to all levels and types of audiencesSpeak in a highly articulate and influential mannerState the facts and explain their implications for the organisation and key stakeholdersPromote the organisation’s position with authority and credibility across government, other jurisdictions and external organisationsAnticipate and address key areas of interest for the audience and adapt style under pressure | Highly Advanced |
| **Work Collaboratively**Collaborate with others and value their contribution | Recognise outcomes achieved through effective collaboration between teamsBuild cooperation and overcome barriers to information sharing, communication and collaboration across the organisation and across governmentFacilitate opportunities to engage and collaborate with stakeholders to develop joint solutionsNetwork extensively across government and organisations to increase collaborationEncourage others to use appropriate collaboration approaches and tools, including digital technologies | Advanced |
| **Influence and Negotiate**Gain consensus and commitment from others, and resolve issues and conflicts | Influence others with a fair and considered approach and present persuasive counter-argumentsWork towards mutually beneficial ‘win-win’ outcomesShow sensitivity and understanding in resolving acute and complex conflicts and differencesIdentify key stakeholders and gain their support in advanceEstablish a clear negotiation position based on research, a firm grasp of key issues, likely arguments, points of difference and areas for compromiseAnticipate and minimise conflict within the organisation and with external stakeholders | Advanced |
|  | **Deliver Results**Achieve results through the efficient use of resources and a commitment to quality outcomes | Seek and apply the expertise of key individuals to achieve organisational outcomesDrive a culture of achievement and acknowledge input from othersDetermine how outcomes will be measured and guide others on evaluation methodsInvestigate and create opportunities to enhance the achievement of organisational objectivesMake sure others understand that on-time and on-budget results are required and how overall success is definedControl business unit output to ensure government outcomes are achieved within budgetsProgress organisational priorities and ensure that resources are acquired and used effectively | Advanced |
| **Think and Solve Problems**Think, analyse and consider the broader context to develop practical solutions | Undertake objective, critical analysis to draw accurate conclusions that recognise and manage contextual issuesWork through issues, weigh up alternatives and identify the most effective solutions in collaboration with othersTake account of the wider business context when considering options to resolve issuesExplore a range of possibilities and creative alternatives to contribute to system, process and business improvementsImplement systems and processes that are underpinned by high-quality research and analysisLook for opportunities to design innovative solutions to meet user needs and service demandsEvaluate the performance and effectiveness of services, policies and programs against clear criteria | Advanced |
|  | **Project Management**Understand and apply effective planning, coordination and control methods | Understand all components of the project management process, including the need to consider change management to realise business benefitsPrepare clear project proposals and accurate estimates of required costs and resourcesEstablish performance outcomes and measures for key project goals, and define monitoring, reporting and communication requirementsIdentify and evaluate risks associated with the project and develop mitigation strategiesIdentify and consult stakeholders to inform the project strategyCommunicate the project’s objectives and its expected benefitsMonitor the completion of project milestones against goals and take necessary actionEvaluate progress and identify improvements to inform future projects | Adept |
|  | **Manage and Develop People**Engage and motivate staff, and develop capability and potential in others | Refine roles and responsibilities over time to achieve better business outcomesRecognise talent, develop team capability and undertake succession planningCoach and mentor staff and encourage professional development and continuous learningPrioritise addressing and resolving team and individual performance issues and ensure that this approach is cascaded throughout the organisationImplement performance development frameworks to align workforce capability with the organisation’s current and future priorities and objectives | Advanced |
|  | **Inspire Direction and Purpose** Communicate goals, priorities and vision, and recognise achievements | Promote a sense of purpose and enable others to understand the links between government policy, organisational goals and public value Build a shared sense of direction, clarify priorities and goals, and inspire others to achieve these Work with others to translate strategic direction into operational goals and build a shared understanding of the link between these and core business outcomes Create opportunities for recognising and celebrating high performance at the individual and team level Instil confidence, and cultivate an attitude of openness and curiosity in tackling future challenges | Advanced |
| **Occupation specific capability set** |
|  | **Statutory Interpretation**Interpret legislation, subordinate legislation and instruments in accordance with legislation and accepted legal principles | Identify and solve highly complex statutory interpretation problems through application of an extensive knowledge of the legislative process and common law, and resolve competing interpretations.Make use of extrinsic materials to resolve ambiguity and highly complex or challenging statutory interpretation issues, consistent with legislative and common law requirements.Understand and apply current legislation relating to interpretation of statutes to solve highly complex interpretation issues.Solve complex and challenging statutory interpretation problems through an extensive understanding of the structure and operation of Acts and subordinate legislation. | 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 |
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| **Capability group/sets** | **Capability name** |  | **Description** | **Level**  |
|  | Manage Self | Show drive and motivation, an ability to self-reflect and a commitment to learning | Advanced |
| Value Diversity and Inclusion | Demonstrate inclusive behaviour and show respect for diverse backgrounds, experiences and perspectives | Adept |
|  | Commit to Customer Service | Provide customer-focused services in line with public sector and organisational objectives | Advanced |
|  | Plan and Prioritise | Plan to achieve priority outcomes and respond flexibly to changing circumstances | Advanced |
| Demonstrate Accountability | Be proactive and responsible for own actions, and adhere to legislation, policy and guidelines | Advanced |
|  | 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 | Adept |
| Procurement and Contract Management | Understand and apply procurement processes to ensure effective purchasing and contract performance | Adept |
|  | Optimise Business Outcomes | Manage people and resources effectively to achieve public value | Advanced |
| Manage Reform and Change | Support, promote and champion change, and assist others to engage with change | Advanced |
| **Occupation specific capability set** |
|  | Legal Research | Undertake legal research | Level 4 |