

Role Description

Legal Officer



Agency	Health Care Complaints Commission
Division/Branch/Unit	Legal Services
Role number	76216,76217
Classification/Grade/Band	Legal Officer Grade I-II
Senior executive work level standards	Not Applicable
ANZSCO Code	271299
PCAT Code	1118192
Date of Approval	12 February 2021
Agency Website	https://www.hccc.nsw.gov.au/

Agency overview

The Health Care Complaints Commission (HCCC) is an independent statutory body established under the Health Care Complaints Act 1993. The Commission has a unique role and plays a central part in maintaining the integrity of the NSW health system, with the overarching consideration of protecting the health and safety of individuals and the community.

The work of the Commission is a key element of the NSW Government's priority to improve health service delivery in NSW. The Commission's focus is broader than public hospitals – it deals with the full spectrum of health services, including private hospitals, imaging and radiation services, medical centres, general practitioners and all registered and non-registered providers and allied health services.

The Commission is guided by the need for a system of complaints handling which is primarily customer focused, accessible, responsive, transparent and accountable.

Primary purpose of the role

The role is responsible for ensuring the timely and effective administrative case management of legal prosecutions and conduct of prosecution matters and other legal matters that the Commission is involved in.

Key accountabilities

- Provide support to the Director of Proceedings in the analysis of briefs of evidence in less complex matters within a set timeframe and make sound and pragmatic recommendations as to sufficiency of evidence and appropriateness of prosecution action.
- Provide advice and recommendations as requested by the Director of Proceedings or Manager, Legal Services.
- Draft reports, complaints, applications, correspondence, memoranda, and other legal documents in less complex matters.

- Prepare chronologies and draft other legal documents as required by the legal team.
- Provide support to more senior Legal Officers by completing legal research and manage witnesses as needed.
- Conduct of less complex matters in the NSW Civil and Administrative Tribunal, and Professional Standards Committees, on behalf of the Commission, including briefing and instructing external counsel, instructing internal advocates, or appearing in less complex matters.
- Prepare bills of costs and support the Financial Accountant to undertake action to recover costs owed to the Commission.
- Undertake other administrative and research activities (including assisting advocates with note taking and other general legal duties) as required.
- Provide legal and policy advice as required and instruct in-house advocates or counsel in hearings, with the possibility of some appearance work, in consultation with the Director of Proceedings.

Key challenges

- Balance competing demands and ensure professional standards are met in high volume environment.
- Managing diverse issues and complaints, which are sensitive in nature in a cost effective and timely way.
- Exercise sound judgment in the day to day conduct of legal work, recognising the organisation's role as the NSW government's health regulator and the legal officer's duty to act as a model litigant.

Key relationships

Who	Why
Internal	
Legal Officers (Grade 3/4)	• Liaise and discuss matters with and seek advice from more senior legal officers. • Assist more senior legal officers in the conduct of matters in which they are appearing as internal advocates.
Manager, Legal Services	• The Manager, Legal Services allocates work to the Legal Officer, provides support, advice, guidance and feedback on quality of work and services.
Director, Legal Services and Director of Proceedings	• Regular contact is also required with the Director of Proceedings to receive instructions.
Investigation branch	• Engage in ongoing and constructive communication with Investigators in the Legal Officer's matters
Clerical Support Officers	• The CSO's provide administrative assistance to the Legal Officers in their day to day work.
External	
Legal Counsel	• Instruct external legal counsel
NCAT, Courts, Solicitors and Barristers. Complaint respondents and experts.	• The position communicates frequently with staff from the various registration authorities, Tribunals, Courts, Local Health Districts, the Ministry of Health, legal and health practitioners and expert report writers.

Who	Why
Witnesses	Frequent and ongoing communication with witnesses, including complainants in matters that are the subject of a disciplinary prosecution.
Other NSW Government agencies	Further contact may be required with the DPP and the NSW Police Service in relation to other investigations or proceedings.

Role dimensions

Decision making

The Legal Officer is responsible for managing their own workload and is expected to operate with independence to ensure timely and effective administrative case management of legal prosecutions. The Legal Officer exercises sound judgement and decision making when making recommendations in consultation with other Legal Officers (Grade III-IV) to Managers, Legal Services and the Director, Legal Services and Director of Proceedings.

Reporting line

This role reports directly to the Manager, Legal Services.

Direct reports

This role has no direct reports

Key knowledge and experience

- Knowledge of the relevant legislation concerning the delivery/provision of health services in NSW, and disciplinary proceedings concerning registered health practitioners, or the ability to quickly acquire same.

Essential requirements

- An Australian lawyer eligible for a practising certificate in NSW.
- The HCCC has a unique and critical part to play in maintaining the integrity of the NSW health system. As such, it is an essential requirement that all prospective employees are able to carry out their duties in an honest and consistent way, with uncompromising adherence to strong moral and ethical principles and values.

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	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
	Manage Self Show drive and motivation, an ability to self-reflect and a commitment to learning	- Keep up to date with relevant contemporary knowledge and practices - Look for and take advantage of opportunities to learn new skills and develop strengths - Show commitment to achieving challenging goals - Examine and reflect on own performance - Seek and respond positively to constructive feedback and guidance - Demonstrate and maintain a high level of personal motivation	Adept
 Relationships	Communicate Effectively Communicate clearly, actively listen to others, and respond with understanding and respect	- Tailor communication to diverse audiences - Clearly explain complex concepts and arguments to individuals and groups - Create opportunities for others to be heard, listen attentively and encourage them to express their views - Share information across teams and units to enable informed decision making - Write fluently in plain English and in a range of styles and formats - Use contemporary communication channels to share information, engage and interact with diverse audiences	Adept
	Commit to Customer Service	Take responsibility for delivering high-quality customer-focused services	Adept

FOCUS CAPABILITIES

Capability group/sets	Capability name	Behavioural indicators	Level
	Provide customer-focused services in line with public sector and organisational objectives	• Design processes and policies based on the customer's point of view and needs • Understand and measure what is important to customers • Use data and information to monitor and improve customer service delivery • Find opportunities to cooperate with internal and external stakeholders to improve outcomes for customers • Maintain relationships with key customers in area of expertise • Connect and collaborate with relevant customers within the community	
 Results	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

FOCUS CAPABILITIES

Capability group/sets	Capability name	Behavioural indicators	Level
 Business Enablers	Technology		Intermediate
	Understand and use available technologies to maximise efficiencies and effectiveness	- Demonstrate a sound understanding of technology relevant to the work unit, and identify and select the most appropriate technology for assigned tasks - Use available technology to improve individual performance and effectiveness - Make effective use of records, information and knowledge management functions and systems - Support the implementation of systems improvement initiatives, and the introduction and roll-out of new technologies	

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
	Value Diversity and Inclusion	Demonstrate inclusive behaviour and show respect for diverse backgrounds, experiences and perspectives	Adept
 Relationships	Work Collaboratively	Collaborate with others and value their contribution	Intermediate
	Influence and Negotiate	Gain consensus and commitment from others, and resolve issues and conflicts	Intermediate
 Results	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
 Business Enablers	Finance	Understand and apply financial processes to achieve value for money and minimise financial risk	Foundational
	Procurement and Contract Management	Understand and apply procurement processes to ensure effective purchasing and contract performance	Foundational
	Project Management	Understand and apply effective planning, coordination and control methods	Foundational

Occupation specific capability set

COMPLEMENTARY CAPABILITIES

Capability group/sets	Capability name	Description	Level
 Legal	Statutory Interpretation	Interpret legislation, subordinate legislation and instruments in accordance with legislation and accepted legal principles	Level 1
	Legal Research	Undertake legal research	Level 2
	Legal Advice	Provide quality independent legal advice and explanation of legal issues	Level 1
	Legal drafting	Prepare legal documents to achieve client outcomes	Level 1
	Litigation and Dispute Resolution	Litigate and resolve disputes effectively in relevant forums and jurisdictions	Level 1