

Role Description OFFICIAL

Senior Legal Officer



Agency	Health Care Complaints Commission
Division/Branch/Unit	Legal Services
Role number	108906
Classification/Grade/Band	Senior Legal Officer - Grade V
ANZSCO Code	271299
PCAT Code	2521118192
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Agency Website	https://www.hccc.nsw.gov.au/

Agency overview

The Health Care Complaints Commission (HCCC) is an independent statutory body set up 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 Commission deals with complaints about all types of health services and providers in NSW including:

- Health organisations such as public and private hospitals, medical centres, imaging and radiation services.
- All registered health practitioners, such as medical practitioners, nurses, dentists and pharmacists.
- All non-registered health practitioners, such as naturopaths, massage therapists and alternative health care providers.

The Commission aims to provide a system of complaints handling which is customer-focused, accessible, responsive, transparent and accountable.

Primary purpose of the role

The Senior Legal Officer is responsible for the conduct of complex prosecution matters and appeals and assisting the Director of Proceedings in making determinations to prosecute. The Senior Legal Officer instructs counsel to act on behalf of the Commission and appears in appropriate matters. The Senior Legal Officer also provides legal and policy advice in relation to complex or novel legal issues and supports the Senior Legal Counsel responding to information requests and reviews.

Key accountabilities

- Provide the Director of Proceedings with high-quality legal advice and critical legal analysis on complex briefs of evidence within the requisite timeframes and make sound and pragmatic recommendations as to sufficiency of evidence and appropriateness of prosecution action.
- Undertake legal/policy research on complex or novel issues and provide accurate, timely and succinct advice and recommendations as requested by the Executive Director (Legal Services), the Commissioner or other Divisions
- Provide guidance and mentoring to Legal Officers in the Legal Services Division.
- Appear in more complex matters in the various Courts, NSW Civil and Administrative Tribunal and Professional Standards Committees on behalf of the Commission or brief and instruct external counsel or the solicitor advocate
- Prepare bills of costs owed to the Commission under guidance from the Manager, Legal Operations.
- Deal with information and privacy requests including subpoenas, applications and reviews under the Government Information (Public Access) Act 2009 and Privacy and Personal Information Protection Act 1998 and conduct internal reviews and provide legal advice when required on these matters.
- Act as the Commission's Privacy and Right to Information Officer when required and assist with the uplift of the Commission's privacy and information access processes.
- Conduct or assist with mandatory notification of data breach assessments under the Privacy and Personal Information Protection Act 1998 when required.
- Develop and lead collaboration initiatives between Divisions across the Commission.
- Representing the Commission at stakeholder and co-regulatory engagements as required.

Key challenges

- Balancing the competing demands of a complex legal practice, appearance work, advice work and requests for information.
- Conducting sensitive and complex prosecutions and appeals in a time efficient manner with limited oversight.
- Exercise sound judgment in the day to day conduct of complex legal work and act as the Model Litigant despite workload pressures and competing priorities.
- Establishing and maintaining relationships with a broad range of internal stakeholders with the aim of achieving effective collaboration within the Commission.
- Maintaining up to date working knowledge of privacy and right to information legislation as well as other legislation relevant to public sector agencies.

Key relationships

Who	Why
Internal	
Manager, Legal Services	<ul style="list-style-type: none"> • The Manager, Legal Services allocates work to the Senior Legal Officer, provides support, advice, guidance and feedback on quality of work and services.

Who	Why
Director, Legal Services and Director of Proceedings	<ul style="list-style-type: none"> Regular contact is also required with the Director of Proceedings to receive instructions.
Senior Legal Counsel	<ul style="list-style-type: none"> This role supports the Senior Legal Counsel is dealing with requests for information, data breaches and other complex or novel legal issues.
Investigations Branch	<ul style="list-style-type: none"> Engage in ongoing and constructive communication with Investigators regarding complex legal matters and opportunities for collaboration.
Clerical Support Officers	<ul style="list-style-type: none"> The CSO's provide assistance to the Legal Officers in their day to day work.
External	
Legal Counsel	<ul style="list-style-type: none"> Instruct external Legal Counsel
NCAT, Courts, Solicitors and Barristers. Complaint respondents and experts.	<ul style="list-style-type: none"> 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.
Witnesses	<ul style="list-style-type: none"> Frequent and ongoing communication with witnesses, including complainants in matters that are the subject of a disciplinary prosecution.
Other NSW Government agencies	<ul style="list-style-type: none"> 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 Senior Legal Officer is responsible for managing their own practice of complex matters and is expected to operate with a high degree of independence. The Senior Legal Officer exercises sound judgement and decision making when making recommendations and provides guidance and mentoring to legal officers. The Senior Legal Officer demonstrates initiative in relation to developing and implementing collaboration initiatives across the Commission and supports the Senior Legal Counsel in dealing with requests for information.

Reporting line

This role reports directly to the Manager, Legal Services.

Direct reports

This role has no direct reports.

Key knowledge and experience

- Experience in litigation, with experience in advocacy, administrative law, and/or prosecutions.
- 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.
- Willingness to engage in mentoring and support to more junior staff.
- Willingness to support the Leadership team with strategic and collaboration initiatives.

Essential requirements

- An Australian lawyer with a practicing certificate in NSW and eligibility to obtain an unrestricted practicing 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	Display Resilience and Courage Be open and honest, prepared to express your views, and willing to accept and commit to change	<ul style="list-style-type: none"> • Be flexible, show initiative and respond quickly when situations change • Give frank and honest feedback and advice • Listen when ideas are challenged, seek to understand the nature of the comment and respond appropriately • Raise and work through challenging issues and seek alternatives • Remain composed and calm under pressure and in challenging situations 	Advanced
	Act with Integrity Be ethical and professional, and uphold and promote the public sector values	<ul style="list-style-type: none"> • Model the highest standards of ethical and professional behaviour and reinforce their use • Represent the organisation in an honest, ethical and professional way and set an example for others to follow • Promote a culture of integrity and professionalism within the organisation and in dealings external to government 	Advanced

FOCUS CAPABILITIES

Capability group/sets	Capability name	Behavioural indicators	Level
		<ul style="list-style-type: none"> Monitor ethical practices, standards and systems and reinforce their use Act promptly on reported breaches of legislation, policies and guidelines 	
 <p>Relationships</p>	<p>Communicate Effectively Communicate clearly, actively listen to others, and respond with understanding and respect</p>	<ul style="list-style-type: none"> 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
 <p>Results</p>	<p>Deliver Results Achieve results through the efficient use of resources and a commitment to quality outcomes</p>	<ul style="list-style-type: none"> 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 	Adept
	<p>Think and Solve Problems Think, analyse and consider the broader context to develop practical solutions</p>	<ul style="list-style-type: none"> 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 	Adept

FOCUS CAPABILITIES

Capability group/sets	Capability name	Behavioural indicators	Level
 Business Enablers	Finance Understand and apply financial processes to achieve value for money and minimise financial risk	<ul style="list-style-type: none"> 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 	Foundational
	Technology Understand and use available technologies to maximise efficiencies and effectiveness	<ul style="list-style-type: none"> 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 	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
	Manage Self	Show drive and motivation, an ability to self-reflect and a commitment to learning	Advanced

COMPLEMENTARY CAPABILITIES

Capability group/sets	Capability name	Description	Level
 Personal Attributes	Value Diversity and Inclusion	Demonstrate inclusive behaviour and show respect for diverse backgrounds, experiences and perspectives	Adept
 Relationships	Commit to Customer Service	Provide customer-focused services in line with public sector and organisational objectives	Adept
	Work Collaboratively	Collaborate with others and value their contribution	Advanced
	Influence and Negotiate	Gain consensus and commitment from others, and resolve issues and conflicts	Adept
 Results	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
 Business Enablers	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